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AN

ESSAY

ON THE

English Constitution.

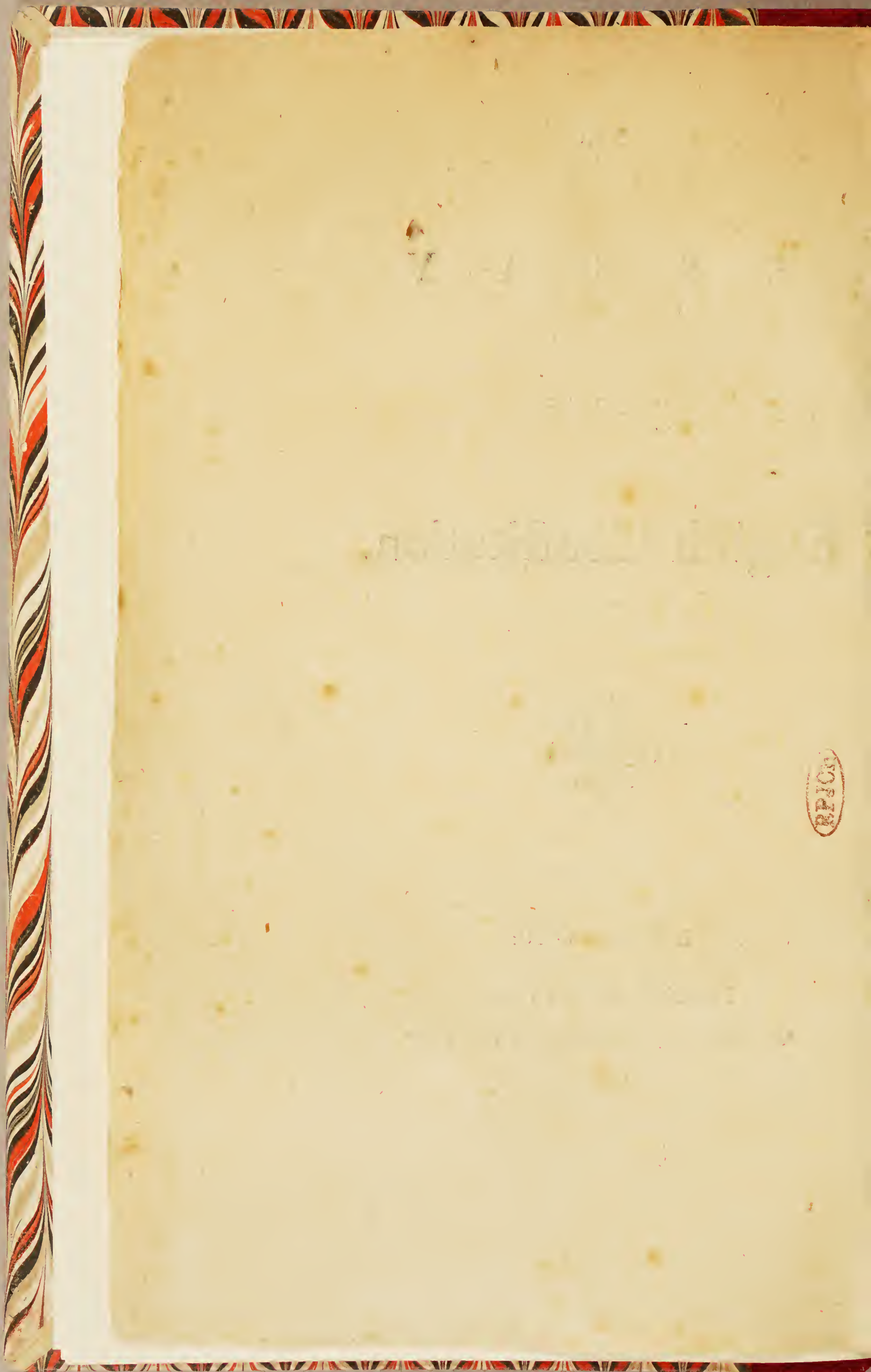


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P R E F A C E.

*T*HE following Essay is Part of a more extensive Work on the different Governments established among Mankind, which the Author proposes giving to the Public in a few Months. In the mean Time he has thought that the Publication of this Essay might be useful in these critical Circumstances, and hopes it may contribute to confirm the Rights of the Subjects, so lately and so wantonly violated.

C O N-

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A N
E S S A Y
ON THE
ENGLISH CONSTITUTION.

C H A P. I.

*Of Monarchi-Aristo-Democratic Govern-
ments.*

SUCH I call those governments which are composed of king, lords, and commons : of this kind are England, and Sweden. They seem, at first sight, very complicated, but in fact are not so, being finally reduced to three parts only, which form the constitution.

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According to the principles of equality, which we have shewn to be the basis, and foundation of all free governments, it is evident that if either of the powers which compose the English constitution, preponderates, it is in danger of being overturned: if, for example, that part which represents the Democracy prevails over either of the other two; it will, by degrees, as in Charles the First's time, overturn the house of peers, naturally inclined to royalty, if not supported by the crown, and soon reduce even the crown itself also to submit.

The house of commons is the more dangerous, as it is very numerous, and, when it opposes the crown, cannot fail of being supported by the nation in general, ever justly jealous of its power and influence, so that the people willingly concur in every measure, that may tend to diminish the power of the one, and support that of the other. The house of commons being moreover masters either of granting or refusing the supplies, can at any time embarrass the government. Their jealousy of the lords makes them embrace with pleasure, every opportunity of mortifying them. Prudence therefore, as well as necessity, requires that the king should shew a particular regard and deference to the commons in general; and, above all, to those who distinguish themselves by their talents and elo-

eloquence, ever respectable, and always act powerfully in a free state, especially if the members who compose it are numerous. He must therefore attach them to his interest by lucrative and important employments, that being united in a common cause with the crown, they must support those measures, of which they are themselves the authors. However zealous they may seem to appear for the good of their country, I fancy the most just and able minister would find it impossible to carry any point of consequence, however equitable and necessary, without great opposition, and perhaps at last miscarry, if the members, of both houses, were not animated by some other principles than those of patriotism and glory, of which, luxury and corruption seem to have extinguished every idea. Had the place-bill taken effect, it would probably have been followed by fatal consequences, very different from those it was intended to produce : and therefore, though I profess myself a lover of my country, I am really glad it did not pass. Can it be imagined that the house of commons would have seen, with indifference, all the employments of the kingdom in the hands of the lords, and their dependants ? but this must have been the case, if the commons could not enjoy them. Dissension, instead of that jealousy necessary to

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support the balance, on which the safety of the constitution depends, must have ensued between the two houses, which the king, having no longer any influence on the commons, could not have suppressed, or hindered from being carried to such a height, as would have overturned the whole machine of government. Besides, the peers, by possessing all the great employments in every department, and filling the army, navy, &c. with their dependants, would in fact become an Aristocracy : for power always follows riches, and soon becomes too powerful to be checked by the king and commons. The old method of dethroning the one, and oppressing the other, would have been naturally renewed. For such, in fact, was the antient system, which would have still continued, if some of our kings had not wisely and justly raised the power and dignity of the commons, as a check upon the lords. The event demonstrated the wisdom of their measures. The commons, as well from principle, as interest, must have opposed the lords upon every occasion, and the king must, for his own safety, and that of the constitution, have supported them. A just and moderate influence on the commons, which would not have been preserved, had the place-bill passed, is absolutely necessary to maintain the balance between the powers
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which compose the government. If at present the crown's influence is supposed to be very extensive in both houses, the ministry cannot, without the greatest difficulty, carry on the common business of the nation, if, upon every occasion, they find themselves clogged and embarrassed, by the opposition. How could they proceed when they had lost their influence in both houses? which must have been the case if the lords had too much, and the commons too little power.

As the commons are very numerous, there will be many whom the ministry cannot, or will not employ, on the terms they wish. These will always oppose his measures, right or wrong : The same difficulties, though in a lesser degree, being fewer in number, and naturally more attached to the crown, will also occur in the house of lords. As things now are, the constitution has less to fear from them, than from the commons, their number being much smaller; and, as individuals, are not entitled to any more power than any other members of the community, and have therefore no more influence on the people than what naturally arises from talents and riches : and the commons, at the same time, being numerous, and in general rich, and supported by the people, when in opposition to the crown and lords, the latter could
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never endanger the constitution, nor would they attempt it, unless the commons were totally oppressed; because their power and dignity depend, on the present form of government: whereas that of the commons would increase, in proportion as that of the crown and lords declined. Nor do I think any thing can destroy the influence of the commons; for they are intimately connected with that of the people, and, in general, rich, and well instructed in what regards their rights and privileges. Even a military force would be found ineffectual; because many of the officers are more attached to their country, than to the service, being gentlemen of independent fortunes; contrary to what happens in other countries, where the officers have no other resource than their pay, and the prince's bounty. These have no country but their regiments, or any other source for subsistence, and are therefore entirely dependant on the will of their sovereign. If the commons, as formerly, were few and poor, the lords would soon be masters of the state, and all balance between the different parts which form the constitution destroyed. The king therefore has no other resource than to augment the power of the commons, or that of the lords, as circumstances may require, in order to maintain a proper equilibrium between them, on which
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his own safety, as well as that of the state, depends. The want of sufficient power in the crown to maintain the balance between the different classes, which form the constitution in Sweden, is the reason why that unhappy kingdom is for ever rent with intestine convulsions, which destroy all industry; and to this their poverty must be chiefly attributed, being otherwise a brave and active people.

C H A P. II.

Of the King's Prerogative.

PRerogative is a word, like those of Liberty and Religion, which has produced more civil wars, and done more mischief to mankind, than all other causes put together. Those who are attached to the prince, and partake of his power, endeavour continually to extend the prerogative. There is scarcely any object, which, according to these gentlemen, is not in some measure subject to the prerogative, and the arbitrary will of the sovereign. Sometimes they will dispense with the laws, and supply their pretended deficiency by the king's proclamations, so that, in a short time, if the ministry was not checked by his opponents, of which we hope there will always be many, the use and benefit of
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the laws would be lost, and replaced by the prerogative and arbitrary power of the crown: for such must be deemed that power, which is derived from, and exerted by the will of one person. In this case the constitution would be in fact dissolved, and nothing remain but the vain and empty form of impotent laws; as it happened at Rome after the subversion of the republic under the tyrannic governments of Augustus, and Tiberius. Their successors even neglected this vain ceremony, and carried their despotism to the utmost height of cruelty and oppression.

Those, on the contrary, who do not partake of the king's favour, jealous of those who do, are ever exclaiming against every exertion of power, even in those cases, where the welfare of the state requires it. I remember, some time ago, the nation was greatly afflicted by the dearth of provisions, encreased by the infamous and cruel race of monopolizers, who oppressed the poor, and excited them to commit several violences, so that the public tranquillity was greatly disturbed: the king therefore, by the advice of his council, thought it necessary, by his own authority, to apply some remedy that would relieve the poor, and restore the peace of the nation. With these paternal views he prohibited the exportation of corn, for a limited

limited time, until the parliament could provide some more effectual remedy. It is true, that such a prohibition was contrary to an express law, which not only permits, but encourages, by great premiums, the exportation of corn. Every body however agreed that the evil was great; that it required immediate relief; and therefore the nation in general highly approved of what the king had done. Notwithstanding which, those who were opposed to the ministry, complained of this measure, as a most enormous abuse that sapped the foundation of the constitution, whose laws, they said, had been wantonly violated, and even without necessity. The ministers were obliged to procure an act of indemnity, for having advised the king to provide for the safety of his people. It is doubtless essential to a free government, that there should be an opposition, to keep a watchful eye on the conduct of the minister, and check him in the pursuit of arbitrary measures, to which most men are too much inclined. Such an opposition however must be regulated by equity and justice, otherwise it will degenerate into chicanery, malice, and faction. One must never see more in an object than what it really contains. There is nothing however indifferent, from which, by forced constructions, and interpretations, you may not draw what consequences you please.

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You cannot, consistently with justice, deprive a minister of the rights of a subject ; you must hear him, and prove his conduct criminal, before you can punish him ; when this is done, you cannot be too severe, that his example may deter others from abusing the confidence the king has reposed in them. But if those in the opposition do nothing more than declaim, without distinction, against every measure pursued by the minister, they give room to believe, that envy and malice, rather than the love of truth and patriotism, are the real motives of their conduct. It is equally impossible that a minister should always be in the wrong, as it is, he should always be in the right. Those therefore who always exclaim against him, justly deserve the name of factious ; while those who always defend him, deserve the appellation of vile and infamous mercenaries, and enemies to their country, who deserve the hatred and execration of all honest men.

It is a common saying, in the mouths of the royalists, *That the king can do no wrong*. This is undoubtedly true, but not in the sense they use it, as if he was infallible, and had a right to do whatever he pleased. For, on the contrary, he is himself like any other man, subject to the laws in civil matters, and if in those, which are criminal, supposing for example he had
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the misfortune to treat a subject ill, in his person or property, he seems exempted, and is not usually called to answer for the fault. It is not however because he is not answerable for it, as the laws direct, but because it is more eligible to suffer the *man* to go unpunished, than to call the *king* to justice; according to that general principle : *It is better to suffer a lesser, than a greater evil.* The sense therefore of that saying, is, that the king, being only a part of the legislative power, cannot of himself, and as king, do any wrong; a quality equally applicable to the other two branches; because they are authorised conjointly to form any law, and separately they have a negative, which they can lawfully put upon any question. So that neither the king, or either house, either by assenting to, or rejecting a law, can be properly said, to do wrong; because they are authorised by the law to do it, and whatever they do, as king, lords, and commons, will be lawfull, though at the same time it may be unjust. But the *king* is also a *man*. The lords and commons, as men, and subjects, and may have the misfortune to violate the laws; will any one say, that, in strict justice, they are not subject to the penalties imposed by them? If in any nation whatever, any one man, or body of men, can violate the laws of

the country without being answerable for it; I say, such a man, or body of men, are despotic, and the government a despotism: for, if they have a right to violate the laws in one point, they may in all; unless the particular case permitted be specified; then, indeed, it is a despotism in that particular case only; but which would very soon extend to others.

But though, whatever is done by king, lords, and commons, as such, be lawful, it may, as we have already observed, be unjust. For example, a law that would deprive a man of his life or property, without giving him the means of defending himself according to the established customs of the land, would be unjust. A law to perpetuate the parliament, or prolong the duration of it, would be unjust. On the contrary, a law that would diminish it, would be both lawful and just; because it does not abridge the rights of the electors, but increases them, by giving them more frequent opportunities of exerting them: Upon this principle, which we think evident, because no elector in choosing a member can possibly intend that such a member should be authorised to diminish his own rights. It is therefore certain that the parliament which prolonged the duration of the commons from three to seven years, committed an usurpation on the

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the rights of the electors, The parliament might with equal reason have changed the constitution, and perpetuated themselves. It would have been lawful, but unjust, and in fact the constitution would have been dissolved, and every man re-entered into his original right, which force may oppress, but can never destroy, or invalidate. All laws contrary to natural equity are unjust, and of course void. All laws that would command an unequal distribution of justice, is void; and the force applied to put it in execution, is tyranny.

A king of England is not only an essential part of the legislative power, but likewise the chief magistrate, head of the church, and commander in chief, of all the armies both by sea and land. As such therefore, he has the disposal of all employments whatever; and by that means enjoys an effectual method of keeping the balance between the other two parts of the legislative power, which he could not do, without it; or if he was obliged to confer employments on any one class of men, to the prejudice of others. It is said that the power of the crown increases, even in such a manner as to threaten the freedom of the constitution. Facts however prove the contrary. For the ministry cannot carry the most indifferent point, however just, and necessary, without securing a majority in
both

both houses, by motives intirely unconnected and incompatible with the object in question. It is only by places, pensions and occasional gratifications, that the ministry get the common business of the nation done. It is necessary in every species of government that a proper power be lodged somewhere, to confer employments and execute the laws. If such powers were lodged in either of the two houses, the constitution would not last a month. It cannot therefore be placed with greater advantage, and less inconveniency, than in the king, as by this power alone he can preserve the balance between the discordant parts which form the constitution. Though the king is chief of all the forces, the military are here less dependant on the crown, than in any other country: because they are subject to the civil magistrate like other men. Their pay, and number, also depend on the parliament. The king has no arbitrary power, either in making or executing the laws, or on the revenues: the quantity, and use to which they are destined being dependant on parliament: In this chiefly consists the force and goodness of the English constitution, which cannot therefore be easily destroyed.

However corrupted we may suppose the members of both houses, there will be among them, many men of Genius and integrity;

tegrity; there will be many more, whose disappointed ambition, will induce them to concur with the former, in opposing the arbitrary views of the ministry: even those, who, according to the common phrase, are supposed to be sold to the ministry, will concur in his views only to a certain degree: because they will reserve the power of being sold again, whenever their circumstances may require. It is upon this principle, that Montesquieu observes, that the English are more easily corrupted than his countrymen; because those, by the continual enjoyment of liberty, do not sufficiently know the value of it; whereas these, on the contrary, who always groaning under the yoke of oppression, if ever they obtain the least shadow of liberty, are raised to a degree of enthusiasm, which force and violence alone can repress.

The minister therefore, can never procure any law to be made which directly opposes the principles of the constitution; nor can he, by military force, ever destroy it, supposing they would concur with him: because the people are brave and warlike; in a few weeks they would become soldiers; and form particularly an excellent cavalry. How could thirty or forty thousand men oppose a milion, animated by the love of liberty. The city of London, with such easy communications over the river, could not, I
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am persuaded, be forced, by twenty thousand men. Indeed it is little to be feared that ever such an attempt will be made by his present majesty : I wish he may always enjoy power sufficient to hold a steady balance, between the other two parts of the legislature. Had he proposed to extend his power at the expence of liberty, nothing could have contributed to it so much as a war ; yet we find that, on his ascending the throne, he adopted pacific measures ; and which he has with constancy pursued. So that his conduct proves he can have no intention, and certainly he has no interest to destroy public liberty.

Neither of the three parts which form the constitution, has any power or influence over the laws, otherwise national liberty would soon vanish. James the second, unhappily for him, assumed the right of dispensing with the laws ; which, if admitted, would have rendered them useless ; the government would have been an absolute monarchy, and the parliament either a mere phantom, or an instrument of oppression. This opinion so generally prevailed, that excepting a few courtiers, the whole nation rose to a man, and forced the king to abandon a crown, he would have held upon unjust terms. The king as supreme magistrate, may, as well as the lords, decide causes by appeal ; and the latter

ter also original causes by impeachment; but both the one and the other, must be guided by the laws, and where they may be deficient, natural equity must supply the want of positive law. But as members of the constitution, they have no influence over them, and as *men*, they are bound to obey them. Nor can they, without violating the most obvious principles of a free government, confound their *moral character* with that of *men*.

The king's prerogative may be reduced to three objects. 1. As a member of the constitution he must, like the others, enjoy perfect liberty and independance to act in parliament, that he may, without restraint, give, or refuse, his consent to any law proposed to him. If he was under any constraint, the government would be dissolved, whereas if a member of either house be hindered from assisting in parliament, the privilege of the member would, indeed be violated, but the constitution would still remain: because one member does not, like the king, form an essential part of it. The liberty therefore of the royal person is essential to its preservation. In the same manner if either of the houses was forced to a compliance, it would equally destroy the constitution.

Charles the First having, at the beginning of his reign, extended the prerogative
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beyond the limits prescribed by the laws then in being, violated the privileges of parliament by arresting some members, and by raising money, without the consent of the legislature; contrary to the established laws of the land. By this he had, in fact, dissolved the constitution. His partisans say, that many of his predecessors had exerted the same powers, and therefore, it was lawful in him to imitate them. To which I answer, that the exertion of any power incompatible with the known laws of the land is an abuse, which no prescription, however long, can render lawful. The cruel Henry the eighth, and queen Elizabeth had often exerted the prerogative beyond what the laws prescribe. No one however, I think, will say they acted justly. And the opposition of the subject, in either case, would have been justified as well by the laws of equity as those of the land; to which the king is equally subject with any other man. The crown lawyers will no doubt exclaim against this doctrine, and say, it implies a contradiction; that the king, in whose name the laws are made and executed, should be subject to them: It would be ridiculous, that the king should in his own name, accuse himself, which according to the stile of the laws, would be the case. To which I answer, That the king as forming a third part of
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the legislative power, cannot, any more than the other two, by giving, or refusing his consent to a bill, incur any penalty, and consequently be subject to the sentence of the law. Nor, as supreme magistrate, any more than those, who act by his authority, as such, be subject to any law for having duly executed them: they are authorised to act in this manner by the constitution. It is a breach of the laws only, that renders a man subject to penalty. The words *king* and *magistrate* signify only *Moral characters* and do not exclude that of *men*; who, as such, being subject to human frailties, may have the misfortune to commit actions contrary to the laws, and be therefore subject to the penalties imposed by them. If any person by his own authority can give himself a dispensation from observing the laws; or obtain authority from any power whatever to do it, as Augustus did by a decree of the Senate; it is evident that such a person is, to all intents and purposes, an absolute monarch; subject to no other rule than that of his own arbitrary will: and if, from a principle of humanity, he permits his subjects to enjoy life and property, they ought to acknowledge the favour with submission and gratitude; he being subject to no penalty, because there is no power superior to his own. He may commit whatever injustice

he pleases, without being answerable to any tribunal; which is the proper characteristic of an absolute monarchy. If, for example, an absolute monarch, in whose person alone the sovereign power is concentrated, should order a village to be plundered and burnt: can it be doubted but that as a *man* he violates the laws of the society, as well as those of natural equity; and therefore justly incurs the penalty imposed by the one and the other? The most despotic sovereign upon earth is always supposed to act for the good of his subjects, for this alone every superior power was originally granted; and by virtue of this he is entitled to their obedience. If, I say, this right, which every man has to his personal security as well as to his property, be openly, and wantonly, violated; his duty of obedience ceases. He is no longer the father and protector, but the oppressor and enemy of his subjects, whose tyranny they may oppose, as they might that of any other individual, who would forcibly deprive them of their just rights; which are equally secured by the positive laws of society, and the original laws of nature. Nothing more evidently shews the degree of infamy and slavery, to which the Roman republic was reduced, than their decree to free Augustus from the observation of the laws. Nothing surely could be more unjust. As
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individuals they might perhaps have given away their liberty, but they could not give up that of the whole Roman people, without violating the most obvious principles of natural justice.

The first Cæsar, and his successors, were exactly similar to those of Cromwell, whose power was founded on a military democracy, of which he was the chief; and though both permitted justice to be in general impartially administered, yet they were both, in fact, equally tyrants, and oppressors of their country: and as such, deserve the execration of mankind. And though under Cromwell civil liberty was in a great measure preserved, yet the principles of the constitution were totally destroyed.

The second part of the king's prerogative, is founded on the laws, or on prescription, which reason and necessity authorise. It consists, in his having the disposal of all employments, civil, military, and ecclesiastic; being the supreme and indeed the only magistrate in the kingdom, the others acting only by his authority. Even the house of lords, who enjoy an hereditary jurisdiction, act only in the king's name: all authority relative to the execution of the laws, being reposed in him alone.

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In the work mentioned in the preface, we have shewn, that in republics the magistrates ought to be appointed for a limited time only, that they may not acquire too great an authority over their equals; because equality forms the basis of such governments. In monarchies, on the contrary, they ought to be for life, to secure their liberty and independance in the administration of justice. When the present king came to the throne, they held their commissions only at the king's pleasure: and many examples prove, that the king's pleasure, had more power over them, than the sense of their duty, in executing the laws. His majesty, moved by a principle of goodness, and justice, consented, or rather promoted a law, which constitutes the magistrates for life; unless convinced of having violated the laws of their country; and consequently rendered themselves incapable of being entrusted with the execution of them. He will therefore deserve the praise and gratitude of the latest posterity. By having the disposition of employments, he has, indirectly, that of the revenues, excepting that part alone, which is destined to pay the interest of the national debt. So that his influence is very extensive, and encreases daily with the luxury and corruption of the members, who compose the two houses. There is no method

thod so effectual to enslave a rich and free nation, as that of augmenting the luxury of individuals. Because the wants, which arise from them, render all mankind equally poor. It is in vain to attempt setting any bounds to them; the desire of satisfying them, is stronger than all laws, and will leap over every obstacle that may be opposed to it. Whoever therefore is provided with the means of supplying such necessities, will become absolute master of every individual; and if he meets with any resistance, it is because he either will not, or cannot comply with the demands of those who wish him to supply their wants. The question, with an indigent person, is only, upon what terms he will submit to be the slave of a minister. But he who generally acts upon this principle, is extremely imprudent, when he accumulates places and pensions on one man, or family; because he thereby diminishes the means of making friends, and encreases the number of his enemies. Avarice and ambition know no bounds. I have known a worthless fellow, with no other recommendation than extreme impudence, without genius, talents, decency, or common honesty, by the protection of a great man, enjoy, in both kingdoms, places, pensions, &c. to the value of eight or ten thousand pounds a year; I have known a family, no ways distin-

distinguished by talents, or any essential service rendered to their king or country, enjoy the greatest employments both at home and abroad; procure a number of places and pensions, to a very great amount; and I am persuaded, if the head of this family could unite in his person the employment of lord chancellor, first lord of the treasury, and even that of archbishop of Canterbury, he would modestly accept of them all, with those he already enjoys; and that he would acquit himself with the same abilities he has shewn abroad, and in a neighbouring kingdom, which he governed much to his own advantage. He would remember, that the life of man is short, and the opportunities of making a fortune rare; and that therefore he must hasten to make proper use of them when they offer. By this incoherent conduct of the ministry, the king's revenues are dissipated, and his influence diminished. I have known an elegant and soft nobleman, who discovered little sagacity abroad, receive near twenty thousand pounds for a great employment in a neighbouring kingdom, he never saw, in less than a year. It should be a constant rule, equally just and prudent, never to confer two employments upon one person, unless in the military, on which class alone the governments which have garrisons should be conferred.

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If a man enjoys two employments, which require any degree of application, it is impossible he can acquit himself of his duty. No pensions should be granted to any man, unless he is rendered incapable of serving his country any longer by infirmities ; when it would be cruel to take a man's bread from him when he has served his country, and can do it no longer. The ministry, by squandering the public money, like the prodigal son, will soon have nothing more to give ; and therefore infallibly lose their influence. The late lord Orford was singularly lavish in this kind ; it was he who first reduced corruption to a system, which, of all his politics, is the only thing his successors have followed, and greatly improved. No man ever trampled so much upon decency and propriety, as this all-powerful minister. He united in his own person places which, by their very nature, are incompatible : as those of first lord of the treasury, and chancellor of the exchequer ; the latter being designed as a check upon the former. Though these principles of distributing employments to many persons, are quite republican, yet, in a mixed government, they tend to arbitrary power. Indeed the more they are contracted, the sooner the constitution degenerates into absolute monarchy ; because the fewer they are, the easier they are corrupted.

rupted. The ministry, by this means, obtain whatever they please, provided they do not openly attack the constitution in such a manner as to awake those, whom luxury and corruption had lulled to sleep. With a little phlegm and prudence, the ministry would easily seduce a rich and corrupted people. It is therefore a wanton imprudence in those who aim at despotism to rouse the people from their lethargy, by an insolent abuse of power, which offends even those who feel the least for the liberty of their country. In general such a minister fails in his enterprise, and draws so many difficulties upon himself and his master, as are not easily surmounted. It is in vain for him to get his conduct approved by parliament; for he only adds to the crime itself, that of having, with the nation's money, corrupted the members of the legislature.

The king has likewise the power of making peace or war : but he ought, for his own sake, to use it moderately, because the money necessary to carry on a war depends on parliament; he must not therefore undertake it without just and necessary motives; he should even be solicited by the general voice of the nation.

A peace, good or bad, never fails of being the object of enquiry and disputes in both houses. The ministry always exert
their

influence to procure the approbation of both houses, in order to secure themselves from its consequences. This indeed may quiet them for the present ; but does not by any means preclude either house, from making it the subject of a future enquiry, which they always have a right to do ; as they have to discuss any other matter whatever. The ministry, sedulously constant in engrossing all power to themselves, affect to sow diffidence and discord between the king and his people, whom they would have him consider, rather as enemies than faithful subjects : nor would they ever consult the parliament, unless their concurrence was necessary to procure money, or pass some favourite law. They use their utmost efforts to hinder the national council from interfering in public affairs, excepting when, from indolence, ignorance, or timidity, they do not chuse to act by their own authority : they are always crying out, “ You meddle with what does not belong to you ; you encroach on the prerogative of the crown :” as if a king could have any affairs which are not essentially connected with those of the nation ; or any prerogative, but for the common advantage of the subject : he alone, say the ministry, has a right to do this, or that. Even the privy council is too numerous for these gentlemen ; because among the many,

there will always be found some, who are guided by reason and justice, and therefore are unfit to be consulted by those, who do not want advice, but approbation. They must therefore have a cabinet council, or junto, composed of five or six persons, their creatures, by whom the national business is conducted. The favourite of the day is the sole and absolute master of this junto; so that, in fact, he is a grand visir, for *favourite* and *visir* are synonymous terms. The king, besieged by the favourite, and his friends, can never know the true state of things; much less, the sentiments of the nation upon the measures they are pursuing in his name: petitions are libels, and the authors a vile faction, who deserve his majesty's indignation. The favourite exercises the most despotic power over those who presume to oppose his tyranny; deprives honest and able men of their employments, seduces some, and intimidates others; so that no one can oppose a sufficient resistance to his injustice and violence. The laws, corrupted by the infamy of those who ought to protect them, and see them duly executed, become, in their venal hands, an instrument of oppression. The king therefore, if not extremely prudent, and an able judge of the characters of men, is ignorant of the evil, until he has lost the affections of his people; and, when it is often

often too late to apply an adequate remedy.

Of all the misfortunes which can happen to the king of a free people, the greatest is that of having a favourite, and of being governed by him, which is always the consequence. Lewis the XIVth, having been disappointed in all his favourites, used to say, ‘ I endeavoured to make myself friends, ‘ truly attached to my person, and glory ; ‘ but I found only selfish and intriguing ‘ courtiers.’ It is hard to determine whether a favourite, in or out of the ministry, is most hurtful to a nation. If the favourite is out of the ministry, he, and those he places about his master, are for ever exclaiming against the administration, who lose all influence with the king, directed by his favourite. Disunion and confusion ensue in every department. Many are more attached to their own interest, than to the good of the nation. These, finding their companions have no credit with the favourite, steer their course accordingly, and are so far from concurring with those who aim at nothing but the public good, that, on the contrary, they make their court to the favourite, and oppose the ministry, so that they must resign for want of sufficient credit to carry on the public business. A succeeding administration,

tion, unless intirely devoted to the favourite's views, must soon, for the same reasons, give place to another; and so on, till one scarce knows who are the ministers. In such a fluctuating situation, it is easy to perceive, that the government is a real anarchy, without any system either at home or abroad. Hence proceed that uncertainty and inconsequence which distinguish the English above any other nation in Europe. A favourite is most particularly jealous of those, who distinguish themselves by their talents and virtue, and never rests until, by calumny and artifice, he forces them from their several departments; so that the king is deprived of their counsels, and must therefore be advised by those, who are perhaps the least qualified to assist him. In short, a favourite, out of employment, is an invincible obstacle both to the happiness of the king and his people, which ought to be considered as one and the same thing. If solicited by his own ambition, and that of his flatterers, he takes a part of the ministry, he must be sole master: with this view he turns out every person, particularly those of abilities, that he may replace them with his favourites, who concur in all his views: so that, in a short time, for want of genius and honesty, the nation is reduced to the lowest ebb of misery. Having all the power centered in himself, he
makes

makes no other use of it, than that of adding insult and oppression to the misfortunes he has drawn on his fellow-subjects. The talents which constitute a favourite, are generally so incompatible with those of a good man, and an able statesman, that we have scarce any example in history of a favourite who was an upright and able minister. Sully is perhaps the only one. But his master, trained up in the school of adversity, had learned to know mankind, and was great enough to honour and employ those who were at once both virtuous and able to conduct the affairs of government. Queen Elizabeth's ministry were favourites, because they were able statesmen. A favourite, out of employment, hinders others from serving their country; and, when employed, ruins the nation from a want of talents and integrity. If the honour and interest of the kingdom requires that a war should be undertaken, or continued, a favourite, sensible of his want of abilities, and popularity, feels he cannot carry it on, and therefore a peace, no matter of what kind, must immediately be procured. A vanquished enemy, destitute of resource, must be courted, and every motive of national interest, and glory, sacrificed to the weakness of an ambitious favourite, the preservation of whose power is made the only rule of public measures.

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Of this kind were Fleury, Walpole, and some others of a later date. Another favourite of a different turn, who hopes to augment his power and fortunes, by the troubles inseparable from war, is ever exciting his master to break with some power, such were Louvois, Belleisle, and Buckingham. So that a favourite, whether pacific or warlike, is equally fatal to his king and country. We should be always diffident of a man who tells us, never to trust any but himself and friends ; we may justly believe, that such a man is only animated by envy, and the love of power, because he must either be a most impudent impostor, or a fool, who would persuade me that a few people alone, in a whole nation, are fit to be trusted. A prince, in the choice of a favourite, should imitate Pharamond, who is said to have called a man he esteemed, and said to him, ‘ Be my friend, ‘ and that you may always continue to be ‘ such, I give you wherewith to live handsomely, upon condition you never ask me ‘ any favour for yourself, or others ; tell ‘ me only, when I do wrong, or neglect to ‘ do what is right.’ Such ought to be the favourite of a wise and able prince, and whenever the favourite deviates from these principles, the prince may be assured he has been deceived, and should therefore discard him. In a free government, where
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the confidence of the people is the strongest and only bulwark of the king's safety and glory, if his minister be unpopular, though evidently an able and good man, prudence requires, he should be employed far from court, on some embassy or other employment.

Though in a free government, the laws are very numerous, yet there often happen extraordinary cases, which could not be foreseen, nor provided for. It is therefore necessary there should be reposed in some person, sufficient powers to act according to the circumstances of any extraordinary event. This power constitutes the third species which, we have observed, form an essential part of the prerogative, which is precluded from all authority over those cases specified by the laws. If for example, an enemy should appear upon the coast, the king, as supreme magistrate, and commander in chief, may, without paying any regard to the laws, take every measure, he thinks proper, for the security of the nation. Such as destroying villages, fields, or cattle. In the same manner, in case of a sedition or popular insurrection, which oppose the execution of the laws and by violence and disorder disturb the publick tranquillity, the king may, and ought, to employ the military force to assist the magistrate: for the army is no less destined to

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secure

secure the interior, than exterior peace of the kingdom: every man who violates the laws of his country is no less an enemy, than a stranger, who comes with an army to invade it. If the civil power has not sufficient authority to execute the laws, the king must, as supreme magistrate, give him all possible assistance. In short, in all those evils which the laws cannot remove he must do it by his prerogative: for every species of power neither has, nor can have, any other object, than the general advantage of the subject. So that the king in particular, as well as all those intrusted with power, are obliged to see the laws duly executed: and when any unforeseen accident happens, which they cannot remedy, they must, according to the spirit of that general law, which is the basis, and includes all others, *Salus populi suprema lex esto*, provide by their own authority for the publick safety. This prerogative is founded upon reason and necessity, and therefore just.

The king has likewise the power to deprive all military officers of their employments: which seems incompatible with, and contrary to, natural justice, unless by their crimes, or incapacities, they become unworthy of the trust reposed in them. For it is unjust to inflict a punishment, where there is no crime, besides the military

tary in England belongs to the nation, who pays them ; and by no means to the king, who is only their chief. This abuse is contrary to the spirit of the constitution ; because the king thereby acquires an unjust influence over the votes and liberties of parliament ; of which many officers are members ; and, who having no other means to provide for themselves and families, rather than be exposed to misery must concur in all the measures of the ministry, however inconsistent with their own sentiments, and the good of the publick. With regard to those who are paid out of the king's civil list and are employed as his own servants, he can, like any other man, dispose of them as he pleases ; because if he makes a bad choice, he is the only sufferer.

The king has likewise the power of creating peers, but not of depriving them of the privileges annexed to their dignity. By which means, he acquires great influence on the commons : because many of the members, being men of genius, and eloquence, often embarrass and oppose the views of the ministry : these excited by ambition, are easily prevailed upon to accept of a peerage, and to become subservient to the crown, and useless to their country. Raised to a superior class, they adopt the sentiments of it ; naturally inclined to royalty and jealous of the commons. This

house being at present composed of many members equally distinguished by their talents and riches, seems to have taken the lead of, and acquired a certain superiority over, the lords: for which reason, I suppose the king thought it necessary to create a great number of new peers, by which means he increased their power at the expence of the commons. The more numerous any assembly is, the less influence the king has over it, because, as Machiavel observes, *few are corrupted by few.*

Though the lords have been thus greatly increased, the king's influence over them will always be very great, because the sixteen scotch peers and the bishops in particular, whose fortunes depend more immediately on his favour, will generally concur with the views of the ministry: so that for this reason, and this general propensity to royalty, there is little probability they will ever side with the commons against the crown. The great employments he confers upon the latter, secures him an influence in that house, which increases with the luxury and wants of its members; so that his power might augment to a degree that would endanger the liberty of the constitution. The king has likewise the power of dissolving the parliament whenever he pleases; which being exerted at a critical moment by Charles the second, saved his crown,

crown, and may therefore be sometimes equally advantageous, to the king, and the people.

C H A P. III.

Of the Privileges of Parliament.

THE privileges of parliament are founded upon the necessity of securing the liberty and independence of the members that compose it. Otherwise, it would soon become, an instrument of oppression: and the more cruel, as it would authorise, by the formalities of the law, the arbitrary will of a tyrannic master. We have a thousand examples of this in the history of different nations, whose members were vicious and corrupted. It is therefore of infinite consequence, that no person whatever, should have an unjust influence over the votes of those who form the constitution.

According to these principles, the tribunes of the people, in the Roman republick, were deemed sacred: divine were added to human motives, the better to secure their personal safety and independence. This privilege however neither did nor could be extended beyond the exercise of his function as tribune: in all the rest he was only a citizen; and, as such, ought to be
subject

subject to the penalty of the laws if he had violated them.

The love of power always, however, excited them to confound and identify the double characters of tribune and subject, an action incompatible with order and the public good. The crimes of the *man* were supported by the power of the *tribune*. This abuse went so far as to cause the greatest violences and injustice. They continually mixed the ideas of the *man* with that of the *magistrate*, and like tyrants, treated those who opposed their violence as criminal, and whom therefore they endeavoured to punish accordingly. In England also every thing is become a breach of privilege, wherever a member of either house is concerned. If, for example, a member owes me money, the laws very wisely, preferring the national interest to that of an individual, prohibits any violence from being offered to his person, during the sitting of parliament, while he is supposed to be employed in the business of the nation; the lords indeed enjoy this privilege at all times; nor can they be arrested in person, except when they are supposed to have committed some crime destructive of the public peace. Then indeed if the lord, or member, is sitting, the magistrate lays before the lords the motives for which he begs leave to arrest the person accused, and
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which they cannot refuse, without violating the laws, by stopping the course of justice: that is, without becoming tyrants and public enemies. For such must be deemed any man, or body of men, who hinder the magistrate from executing the laws; and should they therefore refuse to deliver the person claimed, he may seize him wherever he finds him. The abuse of privilege, has been, of late, carried to such lengths that a member thinks himself exempted from the quality of a subject, and the penalties of the laws. You can have no dispute with them even the most trifling, and unconnected with their characters as members, without being called before the house, whose judgment is generally directed by the sense of power and revenge, rather than by the rules of equity and justice. According to reason, no member should, nor is, in fact, entitled to any other than personal privilege and liberty, during the sittings of parliament. For in all other cases, he is only a subject like any other man. Notwithstanding which, we have many examples of people being called before the house and severely punished for some personal dispute with a member. Nothing can be more absurd or unjust, than to suffer a member to violate the laws in my person, and not only escape the punishment he may deserve, but procure

cure my being called before the house, to whose arbitrary sentence I must submit, or be imprisoned and ruined. If I offend a member, provided I do not hinder him from assisting in parliament, I offend only a subject, and not a national agent. The law has provided a remedy, and I am ready to submit to its decision. Nothing is more just, and conformable to the idea of a free government, which necessarily precludes all arbitrary proceedings. Yet he can prosecute me at common law, and, at the same time, call me before the house : so that I may be punished there, though I have a verdict in my favour in a court of justice. Whatever injury I may receive by the house, I can have no remedy at law, because they do not form a body corporate ; nor can I appeal from their decisions, because they are not a court of justice. Consequently we must suppose they are possessed of an arbitrary power ; at least such is their pretention, confirmed by their practice, contrary to all idea of civil liberty. For if any body of men can do what they please without being responsible to any other power, it is plain, they are despotic. It is the height of absurdity, and injustice, that any body of men, should, without form or process, punish a man, who has not violated any law ; and if he has, he can be subject only to the penalty imposed by it ;
otherwise

otherwise it is a despotism, and by no means a free government, which supposes that no man can be punished but by the law; and that no one can be a judge in his own cause; which maxims, founded on reason and justice, they presume to violate, and openly assert an absolute power over every case they chuse to think regards themselves; without considering that every member of the house, and every other man, is a subject, who can by no power upon earth be justly deprived of his rights, established equally on natural, and positive laws. As they together compose a part of the legislation, their power can extend to nothing more than the formation of laws; and their privilege no farther than to secure a perfect liberty and independence in giving their votes, and transacting the business of the nation. In every other circumstance they are like the rest of the people; they are mere subjects; and as such answerable for their actions before the proper tribunal. If the legislative power, or any part which composes it, interferes with the functions reserved to the magistrate alone, public liberty is lost, and law and justice nothing more than empty names. Of all mankind, none have a greater interest in observing the laws, than those, who form them. It is their own work, which, for their own dignity and importance, they

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should inviolably observe. Yet, by a contradiction too natural to ambition, they always endeavour to abuse them in the persons of others, whom they would subject not to law, but to their own arbitrary power. As things have gone lately, I should not be surpris'd to see the members plead their privilege to avoid paying their just debts, and commit every species of violence, with impunity.

The house of lords, enjoys many particular privileges, founded upon laws torn from the weakness of the princes and the misery of the people, which formerly they abused to the utmost excess. The *scandalum magnatum* proves the truth of this assertion: the remains of the feudal government and tyranny to which the people were always, and the princes often, victims. It was a real anarchy and tyranny, and the more cruel, as many persons had a right to exercise it. If we consider only the spirit of a free government, no part of the legislative power, much less any other man, should enjoy any other privilege but what is necessary to secure the personal safety and liberty of the members, while they are employed in transacting the public business, all other privileges, excepting such as are meerly *ad honorem*, are incompatible with civil and public liberty. Both houses, particularly the commons, assume a sole and exclusive

exclusive right over their own members, which they extend to elections and whatever relates thereto, and even punish arbitrarily whom they please, for having interfered in them, which seems very strange, because the laws have provided a proper remedy, and no man can, consistently with the notions of a free government, be punished but for having violated the law, and then only, by the proper magistrate, whose sentence is determined by the same law; and when that law is silent, no man can inflict a punishment, unless he is despotic: indeed many of the pretensions and proceedings of the commons are intirely despotic. They call any man before the house, they punish him though he has offended no law. They fine and imprison him for an unlimited time, till he submits to their arbitrary will, and there lies no appeal to any tribunal whatever. Pray what is despotism? It is exactly this, and has been wantonly exerted against the liberty and property of the subject. The object of this, and every other privilege, can be no other than to secure, not only the liberty and independency of the members, but also of the electors. For if these are not free, it is impossible the others should be so. This extensive privilege has been permitted to the commons, because they were supposed to be particularly jealous of

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the freedom of their members, and would therefore be more tenacious in its defence, than any other tribunal, who might, for many reasons, be induced to deviate from that principle of liberty, on which the freedom of parliament essentially depends. The commons themselves were therefore very justly intrusted with the power of deciding many cases, which relate to elections. But they have extended it beyond all bounds, in assuming a right, even in those cases which are subject to the common law. What can be more inconsistent with law and reason than to punish a man by the arbitrary power of a majority, whose decision is only founded on force, and is no otherwise valid than because they are the strongest. So that, if in a similar case, another majority should decide the contrary, that decision would be equally lawful; because it is founded on the same principle of force. But if we consider the nature of a free government, it will appear that every decision founded on a majority, unless particularly authorised by law, is destructive of liberty; and therefore intirely despotic. In order to transact business brought before a numerous assembly, the law very wisely determines, that a majority, or any number more than a majority, should be deemed the sense of the whole body; otherwise nothing could be ever concluded: but this supposes that
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the laws have provided no remedy. For if any body of men can interfere with the laws, it is plain that such a body of men assume the whole legislative power, which alone has a right to change the laws; but cannot interfere in the execution of them, without becoming tyrants: for such, in reality, is the man who acts contrary to a law made by the legislative power, which must remain in force, until it is repealed by the same power. And when the legislative power is composed of many parts, neither of these separately has any more power over the laws than any other individual.

The commons likewise assume the power of expelling any member at pleasure, in which they acknowledge neither positive laws, nor even those, which form the freedom of the constitution. A majority decides arbitrarily of the liberty and property of the subject, and even of a whole province. Of all the privileges they arrogate to themselves, none is more absurd and unjust, or more fatal in its consequences, than this. It is contrary to every notion of natural right, and a free government, of which it saps the very foundation. It is essential to the independency of parliament, that every member of it should be perfectly free; and upon this very principle every privilege is founded. And yet
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the commons themselves dare violate it in the most despotic manner. Where is the freedom of parliament, if it is admitted that any power upon earth has a lawful right to deprive a member of his seat, upon no other foundation, than because a majority, or rather force, has been pleased to do it? Upon the same principle, a majority may exclude the whole minority, until two members only remain, to represent the whole nation. For where the decision of a majority is in itself a law, they have a right to dispense with, and act contrary to the laws, in every case where a member is any ways concerned, and which, by the same power, they may extend as far as they please. So that a member, as such, loses all the rights of a subject, though at the same time he lays under the penalty of the laws, which have a right to punish, though they have not the power to protect him. This doctrine arises naturally from the privilege the commons assume of expelling a member; but is contrary to natural right, to the positive laws of the kingdom, and in particular to that which forms the liberty of the constitution. 1. Because a member of a particular society, where the interest of the individuals which compose it is alone concerned, cannot, without violating the law of natural equity, be expelled, unless he
refuses

refuses to conform to the regulations of it; or has committed some crime, which renders him unworthy to be continued any longer a member of it, otherwise his expulsion, must be considered, as the effect of force and violence, and therefore is unjust. A member of the house of commons is a publick agent, elected, according to law, to transact the affairs of his constituents: he cannot therefore be excluded from the national council without violating the fundamental laws of the constitution; which require and command him to assist personally in parliament. Unless he has committed some crime, for which the law has, by its sentence, deprived him of his life, which is the only case, as the law now stands, that can vacate his seat in parliament and which authorizes his constituents to elect another in his room. For if the sentence does not extend to death, the member having complied with it recovers all his rights, both as a member and as a subject: otherwise he would be punished, not by the law, but by arbitrary and despotic power; which alone can extend a penalty, without any regard to law or equity, and punish a man for a single and inconsiderable fault with unbounded tyranny. And therefore such an expulsion would be contrary to equity, and to that very law which forms the liberty of the constitution.

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The house of commons cannot take cognizance of any crime which a member as a man, and a subject, has committed, without infringing at once on the power of the law and that of the magistrate, who alone is authorized to punish him, in virtue of that law which he may have violated. It is essential to justice and civil liberty, that no man should be punished until he has been tried, and convicted, in due form of law, which the magistrate alone has a right to do. The commons therefore, in expelling a member, for any cause whatever, violate the laws of natural justice, by inflicting a punishment upon a man who has not been proved guilty of any crime, they likewise violate the positive laws of the land, by condemning a man contrary to the established forms, which prescribe that he should be tried by his peers alone, and punished according to law. Nor is there any tribunal, which can proceed in any other manner, without substituting despotism for law. They likewise violate the laws, in assuming the power of judicature; for they are neither magistrates nor court of justice: and only a part of the legislative power; and whose authority is confined to the framing of laws. The magistrate alone can take cognizance of, and punish crimes, always, however, as the law directs. Whereas the house of commons in their determinations exert

exert an arbitrary power over the person and property of a member, who never ceases to be a subject contrary to the established laws of the kingdom; which prescribe both the *manner* and the *degree* of punishment. They likewise overturn the constitution by depriving a member, and consequently his constituents of their fundamental rights; upon which all liberty depends. Nor is this power of depriving a member or a subject of his rights excluded from the house alone; even a law which did it would be unjust, and contrary to equity: because no man can be justly deprived of the benefit of the laws, unless it be legally proved, that he has violated them. The power of the house of commons over its members is, like that of any other society, which cannot subsist, unless order, and method be observed in transacting the business of it. Necessity therefore requires, that they should have a proper power to establish rules for the conducting of affairs, and to enforce obedience to them, otherwise nothing could be done. But this power cannot be extended farther, without interfering with the laws, to whom alone a subject is accountable for his actions. Nothing can be more imprudent than to permit the commons to exercise this unlimited and unwarrantable power. The example of Cromwell shews

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the bad tendency of it. For by expelling one member after another, the commons were reduced to two hundred, who pretended to have the whole legislative power centered in them. If the king, or lords, for example, should order the commons to expell this or that member; it would be the most daring breach of privilege, and as such, the commons would certainly resent it. How then can that be just in them, what would be a real crime in another? For they can no more destroy their own privileges than any other man, because their privileges are essentially connected so close with the liberty of the constitution, and the rights of the electors, that you cannot touch the *one*, without destroying the *other*. The privileges of the house are founded on this one principle, *viz.* that of preserving the privileges and rights of the subject. So that the violation of the one, necessarily implies the violation of the other. A law that would diminish the liberty, or independency of the electors, or members, would be essentially unjust. How much more so, if a particular body pretended to exert such power.

Charles the First and James the Second lost their crowns, for having attempted to dispense with the laws, and diminish the liberty of parliament: and yet certainly they had as good a pretence as the commons

mons can possibly have. The truth is, that no body of men, or power whatever, can diminish the liberty of parliament, or dispense with the laws, without destroying the constitution. The lords never pretended a right to expel a member, which however would be less criminal, than in the commons, because the injury would extend only to the person of the lord whose right would be violated ; whereas the commons injure the rights of every elector of the kingdom in general, and those of the province whose member they expel, in particular. They have of late carried their despotism still farther : they have not only expelled a member, but admitted another in his room, who was not elected at all ; and have established a precedent which, if admitted, must destroy every idea of a free constitution. They say, that the member admitted was duly elected, having a majority of votes ; because the person who had the real majority, could not be elected, and the votes for him were considered as nothing. Why so, I ask ? Is he disqualified by the laws ? No such thing ; he has the qualifications required, and was legally elected. But we have declared him incapable of being elected. In that case you suppose that a resolution of a majority of your house, can dispense with, and is superior to the most fundamental laws of the constitution.

stitution. This indeed is insulting common sense, as well as law. You have not even the least power over any law whatever, but as part of the legislative power; and then only to say, *yes*, or *no*. If you can act contrary to law, in one case, pray why not in any other? If a resolution of the house is superior to law in this particular case, you may, by following these principles, expel any member lawfully elected, and admit in his room a candidate who should have one vote alone. To what strange absurdities, contradictions, and ill consequences, are despotism and tyranny reduced, when they pretend to authorise violence and injustice by custom and precedents? The sheriff, according to his oath, returned Mr. Wilkes. Was he not qualified? Was it not a lawful election? Yes, no doubt; but we will not have him. We, by our own authority, declare, that the majority of our house is superior to any law, and that, hereafter, we will admit as members whom we please, without paying any regard to the laws of our country, or to the rights of the electors. Even we will choose those, whom the electors have rejected. We will attribute to ourselves the sole right of election; and we will replace those we expel, with others we like better. We may perhaps perpetuate ourselves in parliament, and so spare the elector

tors the trouble of choosing members, whom we are resolved not to admit among us. All this would be equally lawful with what they have done, or rather indeed equally contrary to reason, justice, and the fundamental laws of the constitution. If the king does me an injury, the laws have provided a remedy. And shall the commons do me and my constituents the greatest injury possible, and I am entitled to no redress? Absurd! If I was a member, and the speaker ordered me, by force, to be turned out, I would not obey: and, in my own name, and that of my constituents, I would bring an action against him, and all those who acted by his orders: and the law must do me justice. If you think your resolutions are superior to all law, you had better make short work of it, and imitate Cromwell's parliament: vote the house of lords useless and dangerous to the constitution, and so on. It is astonishing that the king and lords can sit tamely, and permit the exertion of such despotism. They are more immediately interested in it, than the subject. The partizans of the commons say, that, by prescription, they alone have a right over their own members. To which I answer, that, in what regards the discipline of the house, it is true; but in every thing else, false, and incompatible with the laws; because

cause these alone have the sole right of punishing any man whatever, who violates them; and no privilege on earth can exempt him from this penalty imposed by them. The privilege of a member, and that of the whole body, can extend no farther than to secure their liberty and independency, while they are transacting the national business; and even then a member may, by a breach of the peace, or some other crimes, forfeit it, and be carried to prison. Besides, no prescription, however long, can render lawful a power, which, in its nature, is contrary to equity, and the fundamental laws of the kingdom. The commons indeed have violated the privilege of parliament, and the rights of the subject, by expelling a member legally chosen; so that in fact that province is no longer represented as the law directs. If ever those in the opposition have a majority, they may plead the precedent given them, and expel every member they please; and establish an arbitrary power, as the present majority has done, and with equal justice. It is to be hoped that the king and lords will concur in enforcing the laws, which make their safety, as well as that of the subject; and put an effectual stop to the unjust and arbitrary proceedings of the commons, who, if permitted to make one step farther,

farther, will inevitably overturn the constitution, already tottering by the repeated strokes of tyranny.

C H A P. IV.

Of the Advantage of the English Constitution.

HAVING shewn that the English government is composed of three different powers, it follows, that it enjoys all the advantages of a republic ; because nothing depends upon the arbitrary will of either, and where each, separately, is animated by, and formed upon different principles : so that, unless these are corrupted, the constitution cannot be destroyed. Luxury indeed, by increasing the wants of the members, may finally contribute to its dissolution. Civil liberty is the more secured, as each member remains always a subject, and, consequently, is, in every case whatever, bound to obey the law. He therefore takes care, not to consent to any which might infringe his liberty ; and to which he might himself soon fall a victim. His wants, which force him to concur with the views of a minister, will always be limited by the fear of becoming a sacrifice to his imprudent condescendency. Whenever therefore a minister forms projects, which
openly

openly violate the constitution, the shame of contributing to execute them, often stops those who are, otherwise, insensible to the duty of a member; and the more so, as the people in general are sharp sighted, and jealous, of the crown, which carries them to great excesses against those whom they believe too favourably inclined to its interest. The ambitious views of the ministry too often justify the violence of the people. This government enjoys all the advantages of a Democracy, without its inconveniences: the people are represented by a limited number of deputies chosen by themselves, and whose power is determined by the laws, and by the other two parts, which form the constitution. So that, while these exist, they cannot subvert the liberty of their country. It was for this reason that Cromwell, to accomplish his plan of despotism, began it by diminishing, and afterwards extinguishing the power of the lords, which procured him an easy victory over his king and country. It is, however, certain, that if the civil wars had not given him so great an authority over the military, he never could have obtained it. At present, when the nobility and gentry have seats in the house of commons, and are employed in the army and navy, it would be impossible for any man whatever to execute an enterprize formed
against

against the liberty of his country. Luxury and corruption throw the balance rather upon the side of the crown.

The power of the lords is balanced by that of the commons; and therefore they cannot attempt any thing to their prejudice, or to that of the crown. Moreover their power is limited to the whole body, as part of the legislation: as individuals, they are little more distinguished than the rest of the subjects. Since the abolishment of feudal anarchy, the personal power of the lords is greatly reduced: they can no longer wage war against the king, nor hold the people in servitude. They have, however, still power enough to hold the balance between the crown and the commons, as the latter have to hold it between the lords and the crown, which keeps that between the two houses. So that neither has force enough to oppress either of the others. The violence of the commons, the ambition of the lords, and the power of the crown, mutually restrain each other; and neither can pass the limits, without meeting invincible obstacles from the other, which cannot be overcome by force, but may perhaps by corruption. It seems therefore impossible to form a constitution which has less defects, and is naturally better calculated to secure public liberty, against the violence of Democracy, the
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ambition of Aristocracy, and the tyranny of Monarchy, which are equally excluded, and whose different principles seem a sure barrier against the effects of their union. The great number of employments the king has to dispose of, gives him influence enough, in both houses, to carry on business to a certain degree of order and tranquillity, generally incompatible with mixed governments, particularly if the assemblies are numerous. The king moreover having the power of forming alliances, and employing whom he pleases in the different departments, without being responsible to any one, the government has, in a great measure the advantages of simple monarchy, which, in general, is incompatible with mixed governments. The executive power being also, as we have said, in the king, a certain rapidity and force, enter into the resolutions of the council, particularly when composed of able and popular men. So that, upon the whole, the government seems rather a monarchy than a mixed state. The energy and force of it, however, depends chiefly on the ability, integrity, and above all, on the popularity of the ministry, otherwise no influence suffices to carry on business; disunion, the necessary consequence of weakness and want of abilities, will naturally divide and weaken the councils. The king must therefore employ
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only such as are able, honest, and popular, otherwise he will infallibly lose his influence and importance; and, instead of conducting the helm with a firm and steady hand, will expose himself and the state to many difficulties, which finally may expose the one and the other to great danger and perplexity. When the king has not, or will not exert his lawful prerogative in the choice of able and popular men, the government will degenerate into a real anarchy. A nation, in this unhappy situation, may justly be compared to a ship which has lost the rudder, tossed about in a stormy sea, till at last it breaks against the rocks, where the ship and crew must inevitably perish. He must, above all things, avoid employing men that are unpopular: for, in a free government, the people look with jealousy and fear on the power of the crown, and become furious, if they see a subject particularly distinguished by the prince, and the more so, as talents, humanity, and moderation, are seldom the shining qualities of a favourite.

Civil liberty, never fails to excite the subject to industry, being secured in the enjoyment of its fruits. By freely following his own genius, he generally succeeds in his pursuits of riches: the concurrence of others, animated by the same motives, forces him to search new methods, which

may entitle him to the preference. Arts therefore, and manufactures, are brought to a degree of perfection, no where else to be found. They are rather finished with solidity than with taste: because the subject in general, being richer than in other countries, can afford a higher price, which enables the artizan to give his works completely finished. Whereas in France the people, being poor and vain, their manufactures must continually change in the modes: so that they are distinguished by their good taste, rather than by their solidity. The marine, in England, is not only a source of riches, but of safety; so navigation is carried to a greater degree of perfection, than in any other country whatever.

In a free nation, the laws are extremely numerous, because you cannot, as in simple monarchies, repose an arbitrary power in any magistrate, which may enable him, by good regulations, to anticipate, and prevent the evil, you can only punish it. By securing the life and property of the subject, the laws are increased to such a degree, as in some measure to become useless and are rather a source of oppression and chicanery, than of protection. It is a misfortune, that one cannot provide for the safety of mankind, without multiplying the means, so as often to render them useless,

less, and sometimes worse than the evils which they are designed to obviate.

No country upon earth, can boast of more humanity towards criminals than England, who knows neither tortures, perpetual imprisonments, galleys, or slavery. All processes must be finished in a few months. The witnesses are examined in public, and confronted with the accused, to whom the laws administer every means, that may contribute to his justification. Arbitrary power is excluded, as well in the form of his trial, as in the sentence which is determined by the laws. The jury, chose by lot, are alone his judges. I wish the same indulgence was found in the penalties imposed on criminals, which, in my opinion, are much too severe. The spirit of avarice, too natural in a commercial people, has carried the degree of punishments beyond the limits prescribed by humanity and natural equity. All ideas of distributive justice, are lost and confounded by the number and equality of punishments: death being almost a common penalty for all crimes, great and small. The manner of it makes little or no difference. The king's humanity has, indeed, saved many, but still the numbers which thus perish annually, is a real loss to the nation, and their example neither does nor will diminish the number of crimes.

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These are essentially connected with the morals of the nation, which being generally corrupted, in great and opulent cities, it is in vain to attempt diminishing the number of crimes by any penalty whatever: for, while the causes remain, the effects become necessary consequences of them. Punishments therefore only destroy the inhabitants, without diminishing the evil. What then? no punishments? Yes, but such only as are necessary, to hinder any future evil from a criminal, and which may render him an useful example to deter others: while he lives, the example lives, and his life may be rendered useful to the state. An inanimate and dead being is useless, and soon forgot. The wants of a man are immediate and strong. The fear of punishment is diminished by its distance and uncertainty, and must therefore cede to the first, unless you diminish the sources from which the crimes proceed, the number of laws and punishments will only prove their impotency.

Toleration is a necessary consequence of civil liberty, and I shall always consider it as one of the greatest advantages of the English government; freedom of opinion is inseparable from civil liberty, insomuch that when I see a prince endeavour to establish an unity in religion, I conclude he means to enslave his subjects, because the
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one leads to the other. It is on this principle that all Roman Catholic princes, who are more or less despotic, have proscribed all other species of religion, as much as in them lays. In a free government, the legislative power must never interfere with men's opinions, philosophical or religious. Their actions alone are subject to the laws. It is useful there should be a variety of opinions, and none should be excluded, but such as embrace tenets contrary to the principles of a free government. Even these must be treated with lenity. A variety of opinions always produces an emulation useful to good morals. I have therefore considered the Quakers, Anabaptists, Presbyterians, &c. as a check upon our clergy, and am not therefore sorry to see Whitfield's doctrine make such a progress, because the moral is good. They may call them hypocrites if they please, which is impossible, for the people are never such; provided their conduct is good, it is indifferent to the state from what motive it proceeds. Severity of morals is always conducive to civil liberty, and, I am persuaded, the people I have mentioned would be the last to abandon it: as, on the contrary, corruption of manners leads to tyranny and slavery, and those, infected by it, would be the first to submit to them.

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The king being, happily, head of the church, the clergy are no longer independant of the state, and masters of an ignorant people, whom, at pleasure, they could excite to rebel against their sovereign. The body of the clergy has now no influence on the legislative power, excepting the bishops, who have a seat in the house of peers. They are too prudent to oppose the views of the crown, on whose favours their fortunes depend. They might, by complying with the duties of pastors, and fathers of their flocks, gain the love and veneration of mankind. It is pity they should show so great a repugnance for this home-felt glory, and so much inclination for the vanities of this world.

The military is, in England, a resource of ministerial power rather than of safety and defence to the nation. I don't mean this, as an invective against that respectable body. The valour of the soldier and the abilities of many of the officers, claim my esteem and veneration. I mean only that the army might be upon a better footing, if the commander in chief was at liberty, to consult merit alone in the choice of those he employs. Parliamentary connections often, I am sure, force him, to deviate from his own sentiments, in the disposal of offices. The number of officers, has been augmented, beyond every proportion, with that
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of the soldiers, in order to have many places to give the members of both houses and their dependants, by which means a weak minister secures their concurrence in his views. I dare say, the number of officers in England surpasses that of the Prussian army, six times more numerous. If, after the late war, the public good had been alone consulted, all the reduced officers should have been aggregated to the standing regiments, where they would have done duty, till, by a vacancy, they had been advanced according to their antiquity, without admitting any new officers, till these had been all provided for: another plan has been followed, and the nation is now loaded with the expence of maintaining a prodigious number of officers, intirely useless to their country. The army is filled with young men, who can have brought nothing more than good will into the service, while the old officers forget what they may have learnt. The number of regiments, is by far too great, and that of the soldiers too few. The pay and expence of the guards state major, half pay officers, both by sea and land, would I am persuaded, be sufficient to raise and maintain twenty thousand Germans or Swiss. The custom of selling employments in the army is contrary to justice and the good of the service: in England

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however, it contributes, to civil liberty, because it diminishes the influence of the minister, who cannot hinder a man from buying in his turn though he should not have any parliamentary connections; whereas if the places were all given it is plain the army would be filled only with the minister's dependants. One cannot help being astonished at the conduct of the ministry just before the peace, and even when it was almost concluded. The army was incomplete, nor could recruits be raised, so that there was scarcely a regiment which did not want a great number of men. Reason and the good of the nation required that these should have been completed; and the number of men, could they be found, increased in each company, which would have rendered the army better, and saved much money; the oeconomical ministry, however contrary to every principle of reason, ordered a prodigious number of new corps to be raised, whose officers were named, but the men were never raised: nor do I suppose it was ever intended; and of all these corps none rendered the least service to their country, now loaded with the subsistence of their officers: I must in justice except Elliot's light horse, equal if not superior to any of the kind in Europe.

C H A P. V.

Of the Disadvantages of the English Government.

Distributive justice, is the foundation of a free government in particular: inso-much, that its preservation depends upon this principle. It is therefore necessary that every man should contribute to the support of government in proportion to the interest he has in its preservation, that is, in proportion to his property; upon this principle, it is equitable and just, that each province, or town, should elect a number of deputies or members, in proportion to what they pay towards the expence of the state. Otherwise the first principles of equity and distributive justice are violated, and consequently the force and goodness of the constitution are thereby diminished. This is too much the case in England. The small county of Cornwall, sends more members than Middlesex, including London, Westminster and the Borough of Southwark; tho' the latter probably pay a hundred times more than the former. A county, or town, which hath five or six thousand electors, sends two or four members, when a miserable village with ten or twelve houses sends as

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many, so that it enjoys the same power in disposing of the public revenues, and forming laws as the most opulent county; which is contrary to natural justice, and tends directly to destroy the constitution. Because the electors of such a wretched village, being poor, and few in number, are easily corrupted, and the more so, as many of them are employed, as excise-men or otherwise, under the government. So that a candidate favoured by the court, and a little money is always elected. Being thus chose he must concur in all the views of the minister, from whom he expects a place or pension. Such a member therefore, from the instant he enters the house is already resolved to follow blindly the orders of his patron. As the number of these mercenary boroughs is very great: the ministry, by this alone, are sure of a third part of the members, which with those they seduce by places, pensions, &c. enables them to carry almost any point in the house of commons. That of the lords seldom, or never, refuses its concurrence with the court. The bishops and most of the peers, enjoy great employments under the crown, and therefore from principle or interest, are generally favourable to the ministry. So that if the members who compose the legislative power are corrupted, he governs as despotically, as any oriental vizir, and gets any law, however inconsistent with

with civil liberty, passed ; witness the game and marriage acts, than which nothing can be more repugnant to the spirit of a free constitution. The influence of the ministry is also greatly increased by the publick manner in which the votes are given, because many out of fear concur against their own sentiments with the views of the ministry, whose revenge they might obviate by giving their votes by secret balloting, as at Venice, and at Rome formerly. All enmities and personal disputes are thereby avoided, and men see, in the affairs proposed, nothing but the interest and good of the nation, whereas now they consider chiefly, who speaks, and not what he says, and so seldom weigh matters as their importance and the public good require. The attention of those in the opposition is fixed upon the ministry, and adherents, whom they watch with a jealous eye, in hopes of finding some opportunity to embarrass them, and hinder them from carrying on the affairs of the nation, and so force the crown to change them, and often replace them with their opponents. The ministry and their friends, on the contrary, affect to treat their enemies as factious and disaffected, and so mix their own private affairs with those of the king, which often alienates his affections and confidence from those men, who are most deserving of them. In the mean time national affairs are intirely neglected.

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Each party is too much occupied with their mutual animosities to think of any thing else. In such a situation, a minister though an able and honest man, can, neither form, nor execute any plan that tends to the national good ; these dissensions are the cause of that instability, and inconsistency, which are remarkable in the English government, both in foreign, and domestic affairs. No confidence can be reposed in a court whose measures are continually fluctuating, nor have we scarce ever made an alliance, from which the nation has drawn durable advantages. If the king is firm in the support of his minister, his credit with the nation is often thereby diminished, because that firmness which reason and prudence often justifies, is attributed to particular favour and affection for his minion. Even the opinion of favoritism will diminish his influence with those attached to his person and interest, who never see with indifference any man particularly distinguished by their sovereign ; if, on the contrary, he easily abandons his ministers and sacrifices them to their enemies, they, become more inveterate against the crown, as well from envy as from disappointment and loss of their places, the new ministry, never fail to imitate their predecessors, upon whom they revenge, with interest, what they had suffered. So that a prince must have immense

menſe talents to govern a mixt conſtitution; whereas in ſimple monarchies, where the whole power is concentrated in one man, and ſubmiſſion is the lot of all the reſt, things muſt go as the miniſter directs; ſo that if he is honeſt and able, he can do more good than in republics, and if the contrary more harm. In theſe laſt, there is no where lodged a ſufficient power, to direct and harmonize the diſcordant parts of the machine. The ſprings, being weakened by corruption, can no longer communicate that conſtant and regular action, which forms the force of every well regulated government; of which, in England, ſcarce any thing more than the exterior figure and form remains; as in the Roman republick, when, the people animated by the ambition of individuals, threw every thing into confuſion, and though the forms were preſerved, yet in fact it was a real anarchy, where force alone diſtinguiſhed the rights of mankind. Such a government could not ſubſiſt long, and therefore gave way to deſpotiſm under the Cæſars. Theſe alſo preſerved the ancient forms, but liberty was extinguished. In England, and indeed in all free governments, if the members are corrupted, their union, as well as diſunion, contribute equally to the deſtruction of public liberty.

From what we have ſaid, it follows, that foreign affairs are little ſtudied or underſtood.

derstood. The great and only talent required, is that of knowing how to manage the house of commons, and elections. That of an able negociator, acquainted with the interest of the different powers, and of the connections we ought to have with them, is no ways esteemed; compared with the former, who obtains whatever he pleases. Nothing shews the power of money so much, as that the first lord of the treasury should be deemed the prime minister, which in fact he is, though by his office no way connected with foreign affairs; because he has the disposal of all the public money. In such circumstances, the nation enjoys neither tranquility at home, nor influence abroad, which is the fate of mixed governments: because the more extensive civil liberty is, the less will be its force. It is impossible to combine these two things, being by nature incompatible. The force and activity of any government is in an inverse proportion to the number of parts which compose it. A monarchy therefore has, in this particular, infinite advantage over a republic. The whole power being centred in one person, he can direct the national force to any one object; whereas in mixed governments, the parts which compose it, from principle, or passion, are of too heterogeneous a nature ever to be united in their views. The machine therefore

fore moves slowly and irregularly ; and, by the least accident, its activity is stopped. So that a monarchy seems particularly adapted to action, glory, and conquest ; and mixed governments to peace, liberty, and domestic happiness ; which therefore should ever be the views of a good minister, in a republican and free government.

Although the number of members in both houses consists of above seven hundred, yet the minister is abundantly supplied with the means of securing a majority in his favour. So that, in fact, they seem assembled only to authorise his proceedings by the formality of the laws. The qualifications required in the electors and elected, are too often a mere deceit, which cannot be easily discovered, or punished ; and even such as were established when money was at least three times more scarce than at present. Reason requires, that the qualifications should be augmented in that proportion. It often happens, that a man, without a farthing in the world, procures a simulated qualification from some great man, in whose views he must concur, or starve. While the parliament is composed of many such members, whose subsistence depends entirely on the favour of the minister, it is evident that the shadow only of liberty remains, and that the substance will soon be extinguished.

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The house of commons at present sits for seven years ; a period too long, and almost incompatible with the spirit of a free government : because a member, by concurring with the views of the ministry, hopes to reimburse whatever his election may have cost him ; and at the same time procure some lucrative employment, that may supply the wants, to which his luxury and extravagance have reduced him. So that, from principle or necessity, he must become a slave. Corruption and ambition have however this one advantage, that the ministry cannot employ all the members, so that many are always against him, and to the utmost oppose his views.

The crown has power enough to corrupt and seduce the members, but not enough to oppress the constitution, or restore it to its primitive vigour and principles. The ministry, greedy of power, will extend it on the ruins of their country. Luxury and corruption will facilitate their victory. Perhaps some violent shock at home or abroad ; perhaps a national bankruptcy, or an unsuccessful war, would restore health and vigour to the constitution. Perhaps, on the contrary, they would totally overthrow it. It would wholly depend on the good or bad use made of such public calamities. A certain degree of poverty produces an equality, which alone can render a free government durable.

C H A P. VI.

Methods proposed that may contribute to perfect the Constitution.

1. **T**HAT the counties alone shall henceforth have a right to send members to parliament.

2. That each member should possess, in the county for which he is elected, at least twelve months before the election, twelve hundred pounds a year.

3. That each elector should possess, six months before the election, five pounds *per annum*.

4. That every county shall send a member for every three thousand pounds *per annum* it pays land tax, which, at four shillings in the pound, would increase the whole number to above six hundred and sixty.

5. If it should be found impossible to establish this system, and deprive the towns and cities of the privileges they now enjoy; those, at least, which do not pay three thousand pounds *per annum* land tax, must be excluded. And those which do pay that sum, or upwards, shall elect as many members as they pay three thousand pounds; that is, one member for every three thousand pounds *per annum* they pay land tax.

If by chance there should be a county which does not pay three thousand pounds *per annum* land tax, such county shall concur with the neighbouring, and choose as many members as together they pay three thousand pounds land tax.

6. That the right of election, for cities and towns, be not limited to a certain class of men; but extended to every head of a family resident in such cities, for two months before the elections, and who has hired a house for a year at least, and is really an inhabitant of the town. If such head of a family has five pounds a year in the county, he has a vote at the election for a member of the said county.

7. That the votes, in both houses of parliament, should be given by secret balloting.

8. That no member, lawfully elected, shall be expelled, unless he refuses to submit to the rules of the house, for transacting the business of it. Having been required thereto by the speaker for two months; or unless he does not appear and take his seat in parliament, within four months after he is summoned so to do, in the town or county for which he is elected. In both which cases a new writ must be issued to choose another member; shewing, at the same time, for what reasons his seat is become vacant. It is essential to the character

character of an agent, or representative, that he attend personally in parliament, otherwise the county or town cannot be said to be represented, and consequently nothing can be more absurd, than that a member should, for any cause whatever, be permitted to be absent. All members who do not appear, and take their seats in the house, within four months after they are summoned, must be deemed dead in law, and others appointed in their room.

9. That the house cannot expel any member, but for his non-appearance, within the time limited as above, or for refusing to submit to the rules of the house.

10. That the house may not take cognizance of any crime whatever committed by a member, because the laws alone have not a right to do it. And if such a member, having been acquitted, or complied with his sentence, appears within the time limited as aforesaid, to take his seat, he must be admitted : but if he does not appear, then his seat becomes vacant by his non-appearance, and another must be elected in his room.

11. The house cannot, consistently with a free government, punish any man, and much less arbitrarily. They shall not therefore take cognizance of any action whatever, committed by a member or other ; because the laws have provided a remedy against every crime.

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12. That the privilege of parliament should be limited to the time of sitting, and to the personal liberty of the members in civil cases alone.

13. To secure the liberty of the members, during the sittings, the hindering them, by force, from attending, shall be felony, unless they are taken up by a magistrate's warrant, upon suspicion of some crime.

14. That the speaker, in the name of the commons, may prosecute, at common law, and before the proper court, any man who publishes a libel against them in general. But if it is against a member in particular, he may, like any other subject, recur to the laws of his country. Justice requires that, as they may receive damages, so they must pay them, when a verdict is given against them; but they must not presume to take cognizance of any crime whatever, because they thereby usurp the rights of the laws and courts of justice. So that the motives which shall hereafter authorise the house to expel a member, are reduced to two cases: 1. For not complying with the known and established rules of the house, for transacting the business of it. 2. For non-appearance within four months after the sitting of parliament, and notice given thereof in the Gazette; or in the capital town of the county whereof he is member; or in the town of which he

is a burges, without considering the motives of his non-appearance, which are foreign to the question. The speaker must only consider, whether the member is present in parliament, or not, within the time specified by law.

15. That the parliament be triennial.

16. That the number of peers should be encreased, so that one hundred and fifty at least should be present in parliament.

17. That they have not a right to vote by proxy.

18. That they should be obliged to attend in parliament, unless prevented by sickness, certified by his own oath, and that of his physician; or to forfeit one thousand pounds every sessions. I don't doubt but this project will be treated as the dreams of a Platonian or an Utopian, by those who have an interest in the anarchy which now reigns. However, I flatter myself, that impartial men will find that the establishment of the methods I propose, can alone save the constitution.

C H A P. VII.

Of Colonies.

ALthough, in the course of the work mentioned in the preface, I have occasionally treated of colonies. The importance of the object has induced me to be more particular, and the more so, as they

they are now, and have unfortunately been for some time past, the subject of public councils.

The ancients knew but two motives for settling colonies. The trading towns of antiquity having, by their industry, greatly increased the population, they found themselves from time to time overloaded with poor inhabitants, and the more so, as in general their territories were very small. It was therefore necessary to procure them a subsistence. Their situation near the coast rendered transmigrations easy, and secured an intercourse with the mother-country. Such colonies were always established on some foreign coast, the better to defend themselves against the people of the country, ever jealous of new comers. It appears that these colonies did not acknowledge the jurisdiction of the mother-country, or any other dependance but that which is founded on necessity, and gratitude; they were governed by their own laws, always formed on the model of those of their mother-country, who, on her part, never required any other submission, than what is derived from the gratitude of her children.

The other species of colonies were entirely military, and formed only with a view to secure the obedience of a people newly conquered, and at the same time to procure

procure a subsistence for the old soldiers and poor citizens, who, being very numerous, became the instruments of some ambitious leader, to raise seditions and confusion in the republic. Monarchs and tyrants seldom established colonies abroad. Sometimes they permitted strangers to settle in their dominions. So that it seems, that colonies in general can only proceed from the liberty of a free government, where the people encrease, and enjoy the liberty of going wherever they please.

It must be confessed that colonies established on these principles, are extremely useful, and often necessary; nor do I think any means more effectual to secure interior tranquility, provide for the poor inhabitants when grown too numerous, and preserve new conquests.

If the Spaniards, when they took possession of the vast continent of America, instead of destroying the inhabitants, had established military and commercial colonies, on the coast, and in some principal places within the country, at a proper distance, so as to be able to keep up the necessary communication between each other, and with the mother-country, Spain would have been at present one of the most powerful kingdoms in Europe. By following a contrary method, she has lost six millions of subjects in America, and at

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least three in Europe. Unhappily for them, they neither saw nor searched for any thing but gold, and the inhabitants were considered only as animals made to find it; whereas, by time and humanity, they would have been made useful subjects. America therefore became a source of poverty and misery to the Spaniards, by introducing a prodigious quantity of precious metals, which destroyed the inhabitants and their industry.

The proud and indolent Spaniard found it was better to depend on the court for his subsistence, than on his labour; so that industry and civil liberty vanished together. The prince, being thus master of an immense treasure, which continually flowed from America, was enabled, and indeed obliged to create a prodigious number of employments for such extended dominions. To augment this calamity, he was ambitious, and foolish enough to aspire at universal monarchy, which raised him many and powerful enemies. Infomuch that his coffers were exhausted of its treasures, and his kingdom of its subjects. The few remaining had no other resource but in some little employments, and in the charity of the convents, who, to dazzle the people, distribute some small part of their superfluities to the poor.

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The Spanish monarchy has always been on the decline, and though, at present, it seems a little raised, and given to industry, the least unfavourable accident will always shake it to its foundation.

The moderns have established another species of colonies, unknown to the ancients, being formed only with a view to extend commerce and navigation. The colonists do not cease to be subjects, and directly dependant on their mother-country. We must therefore examine this motive, and see whether it really answers the end proposed by it. Such colonies are generally settled in very distant countries, and, if placed among a civilized people, it is morally impossible to fix them upon a solid foundation, in the midst of a powerful nation, which cannot be reduced by force to become your subjects. No nation in Europe is strong enough to conquer, and preserve in its obedience, a polished people, at so great a distance. You may perhaps force the inhabitants to abandon the coast, but never to submit, while they have ground behind them, much less if their dominions are extensive, you cannot follow them into the interior parts of the continent. The continual wars you must sustain against the inhabitants, will deprive you of the fruits of their industry, and soon absorb all the profits of your com-

merce, ruin the colony, and drain the mother-country. The only method to be observed, on such occasions, is to occupy some small island, near to the coast; large enough however to supply the colony, and trading ships, with what is necessary for their subsistence. From thence you may, with little expence and danger, trade with the continent, and, by humanity, honesty, and prudence, secure to yourselves the fruits of their industry, in exchange for what you furnish them from the mother-country. Care must be taken not to lose their confidence and friendship by unjust dealings. A war carried on at so great a distance, must finally terminate in the ruin of your colony and trade, because the inhabitants become your enemies, neither can, nor will, furnish you, with any thing or take any thing from you. If such an island is not to be found on the coast, the only remedy is by fair means to procure some good harbour, where you must build, and fortify a town that will contain three or four thousand people almost, otherwise the inhabitants will upon the first occasion, exterminate them, and your trade is lost for ever. The great art of carrying on trade in these circumstances, consists, in an humane and benevolent, but at the same time, firm conduct, which shews you can obtain by force, what you chuse to owe to their friendship.

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The French East India company was ruined by following other maxims and I fear ours will share the same fate. As the moderns trade to the utmost extremity of the earth, and in such long navigations ships are exposed to great calamities for want of known harbours, it may be necessary, to form, at convenient distances colonies, provided with what may be useful to repair ships, and maintain them till the arrival of the proper season for sailing on their intended voyages; with this view the Dutch occupied the Cape of Good Hope, and other places, to carry on their East India trade. It were to be wished the English formed such establishments near Cape Horn, and in the islands on the coast of *Peru*, in the south seas. The Dutch, according to these principles, having expelled the Spaniards and Portuguese from many of their settlements in the East Indies, established on the continent nothing but factories, in order to form their magazines, with proper agents to carry on the interior trade with the inhabitants and very prudently formed their seat of empire at Batavia; in an island, whose inhabitants they easily subdued, or at least forced to abandon the coast. By which means, they are enabled to carry on an immense trade, at a very small expence, compared to that of our East India company; having never any
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wars with the princes of the continent. They trade in peace wherever they come. Their chief force consists in a numerous fleet which they occasionally send on the coasts, to inspire the inhabitants with respect for the company and its agents. This plan, seems to us, the only one which can secure a lasting and lucrative trade, whereas that, followed by the English, must finally ruin the company, as it did that of the French.

If on the contrary, the country is inhabited by savages, and consequently without culture, arts, or manufactures, nothing can be more absurd than to settle colonies among them. Because having no industry they can furnish nothing, and having few, or no wants, beyond what their physical existence requires, it is plain they can take nothing from you, nor have they wherewith to pay it; a few skins, can never be an object, that deserves you should deprive your country of a number of industrious hands, in order to obtain such an inconsiderable article of trade; at present there is no nation in Europe, excepting perhaps the Dutch, which has not a great quantity of good land uncultivated; none, whose industry cannot be carried to a much greater extent and perfection, than at present. Can there be any doubt, but that a hundred thousand men, employed in their
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own country, are much more useful than if transported to any other country whatever though its productions were ever so abundant and rich, which can never be the case, unless the country is peopled and civilized, in which case factories alone must be established and not colonies. Even if instead of pebbles the fields were covered with gold and silver, which are only useful to a nation, when there is recompence of labour and industry. It is upon this principle that the emperor of China prohibits the working of mines, with which his empire abounds, because the population being extremely great, the least obstacle to industry would be followed by a famine, and the ruin of the empire. If the three millions of English, said to be in America, were employed in England, Scotland and Ireland, particularly the last, which together are nearly as extensive as France, though they contain little more than a third part as many inhabitants, there is no doubt, but that their industry would be infinitely more advantageous, than in America. The English monarchy having its subjects thus concentrated in two islands, would be one of the most powerful in Europe, and invincible by any power whatever. It is now above a century and half, since we have begun to settle America, and during that period the nation has lost the industry of so many

many inhabitants, and moreover spent great sums in supporting them, against the French and Indians; which has embroiled the nation in unnecessary wars; such was the last, which however successful, has ruined the nation, yet till lately we have drawn little advantage from them. Their own consumption would have been greater, if they had remained at home, so that the only benefit we draw from them, is produced by the Spanish trade they carry on, by which they have been enabled to pay for what they draw from England. The Dutch from Saint Eustatia, carry on this trade to much greater advantage, and a few islands on the Spanish coast would have answered the end much better than our colonies. However as they have no other means of paying for our manufactures, one cannot imagine, what could induce the late ministry, to prohibit the colonies from trading with the Spaniards, which in fact was the same thing as prohibiting their taking any more English goods. The Spaniards very justly, prohibit their subjects in America from trading with any one whatever, because the government by sending the quantity of goods they please, can fix a price *ad Libitum*, and by that means draw as much as they will from them, and as they carry this too high, smuggling will be carried on there in spite of
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of all the Guardacosta's. We ought therefore no doubt to have acted upon different principles, and, as much as we could, have favoured the trade with the Spaniards. The fishery, of so much importance to England, is intirely unconnected with the colonies, and is carried on, by us and the French, without the least assistance from them: a few ships stationed on the coast, during the fishing season, is the only thing required.

It seems therefore from what we have said, that colonies should never be established on the coast, because you cannot trade with the inhabitants, unless you are in friendship with them, and then you can do it much more effectually, and with less expence from some neighbouring island, easily guarded. Whereas if you are settled on the continent you must have troops, forts, &c. which naturally renders the inhabitants diffident and jealous, and moreover absorbs the whole profits of your trade; and if the country is uncultivated, no production of it, whether natural, or procured by your industry, can be as useful as, or equivalent to, the industry of the same number of men employed at home. The Dutch indeed, having a small territory, and in general little fruitful, did right in settling colonies in the different parts of Asia, where they have an immense trade; but they made the islands the seat of empire, and are established on such a solid
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footing, that all Asia together, could not ruin their establishments, whereas ours are held by a filken thread. Our acquisitions on the continent, require a great military force, which is incompatible with every principle of a commercial society. The country, from whence you pretend to draw the articles of trade, is ruined, and the inhabitants become your enemies. How therefore, and with whom does the company pretend to trade? I have, in the work mentioned in the preface, treated the doctrine of trading companies at length, to which I refer.

If the Spaniards had occupied only some islands and a couple of ports, in the gulph of Mexico, and in the south seas, instead of embracing the immense continent of America, they would probably be now one of the first people in Europe; whereas, by extending their dominions, they are, *cæteris paribus*, become the weakest.

It is proved to a demonstration, that the force and activity of a given number of men, is in proportion as they are concentrated and united in a smaller space, consequently a trading nation should never make war or conquests if it is possible to avoid it. According to this principle, I would rather that England should possess Cuba and some other islands, with two good harbours on the coast, than all the continent
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of America. By which one may judge of the advantages, of the late peace. The motives above mentioned are, in my opinion, the only ones, which should induce a nation to settle colonies, and which can indemnify it, for the loss of its subjects. When they are established on the present plan, and at a great distance, their support must be very expensive, and the loss of their industry great, and when they acquire, a certain degree of force and riches, it is impossible to keep them in subjection any longer than they find their account in it. They will soon be alienated from the mother country, like all other animals, whose attachment to their dams lasts only while they want them. They will, by little and little, form separate interests; and when they find themselves strong enough, will infallibly form a new and independent government. If you press them, they will become enemies. If you do not, perhaps they may be induced to become your allies, and as such, you may keep them. I do not chuse to enter into any detail on the present state of our colonies; but will venture to affirm, that no force whatever, can subdue three millions of inhabitants dispersed over an immense continent; we may perhaps force them to retire from the coast, and ruin their industry; that is, your own; and oblige them to

apply to agriculture for their subsistence: But you cannot follow and conquer them. And the less so, as their religious principles, concur equally with their political, in their love of liberty and hatred of tyranny. The man who gives room to dispute about *power, prerogative, liberty and religion*, must ever be considered as little acquainted with human nature, and common prudence. A wise and virtuous minister will never try experiments on such delicate subjects. They are like glass, which by much handling breaks in your hands, but at the same time cuts it. He will therefore avoid every occasion, which may possibly give room to examine them, because they can never be terminated by words and reasoning. Force alone can solve the difficulties.

If the colonies will no longer contribute to the support of the mother country by any direct tax, which indeed is imprudently, and perhaps, unjustly imposed; withdraw your troops intirely from the continent, excepting Quebec, and some capital points in the river of Saint Laurence. The natives, excited by their own turbulent disposition, and by French emissaries, will soon carry the ax into the back settlements, which are too extensive and open to be defended by the colonists. They will soon be forced to recur to your aid and protection.

protection. I own I ever considered the taxing the colonies, as the most absurd, inadequate, and unjust measure ever adopted by any minister. They consumed yearly, for four or five millions, and, by that very consumption, paid every kind of tax levied in England, and all expences of the first materials, manufacturing, carriage, navigation, &c. which are all included in the price. If you force them to pay an additional tax, then you make them pay more than any subject in Great Britain, who finally pays, only, in proportion to his consumption. Why therefore must a poor American pay more than the most opulent Englishman? why must he pay more, than the Spaniards and Portuguese who take off your goods? in the price of which they really and truly pay every kind of tax, that is raised in England; and all the expences, profits of the manufacture transport, &c. which are at least ten *per cent.* more than any Englishman. So that I do not doubt, but in the five millions, they pay for the goods they take from us, they pay also at least one for taxes: you should therefore, on the general principles of trade, not endeavour to diminish their consumption, but augment it, by all the methods possible, as you would in trading with any other nation whatever. At least four fifths of our industry are consumed in
foreign

foreign countries. who pay our taxes in that proportion. The government has encouraged foreign consumption by every means possible. Pray why are the Americans to be checked in consuming our manufactures?

C H A P. VIII.

Of Ireland.

NO nation ever drew less advantage from a great, and powerful province, than England does from Ireland. The climate, soil, and situation are extremely good. The inhabitants are active, and in general, very acute, and sensible. They are said to be lazy, which, if true, must be attributed to want of circulation, which alone can render a people industrious. If properly encouraged, they would be found equally so with the English. As yet, instead of animating, and exciting them to trade, every means are used to hinder them. It is therefore no wonder, they make so little progress in manufactures and navigation, for which they are, by their situation, particularly well adapted. The low price of provisions would enable them to furnish foreign markets much cheaper than the English, and maintain that superiority over the French, which we can no longer do.

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It is I conceive quite indifferent to the general good of the nation, what province carries on this or that branch of trade, because finally the profits must center among the subjects, and particularly near the capital. The present king, has greatly contributed to perfect the government of that kingdom, by fixing the duration of parliament, to eight years. It were to be wished, he would equally fix the disposal of the revenues, as in England. The minister would indeed lose much of his influence; but if he is able and just, he wants none but what reason gives him, and when he recurs to other means, he gives just room to believe he is diffident of his own abilities and integrity. As circulation is greatly wanting in Ireland, it would be useful to prohibit any member of the Irish parliament from being one in England; and order that assembly to meet every year, which would keep many of them at home; particularly, if an absence of six months of any member should vacate his seat.

C H A P. IX.

*Paralell between the respective Forces of
England and France.*

AMONG the many pamphlets, which have lately appeared, on the state of England and France, two have been particularly distinguished by the public. The one supposed to be written by a man, who has occupied the first employments in the ministry; the other by a person, more distinguished by his eloquence, than by his places or connections with those in power; being only lately initiated into public business. The first production may be considered, as the funeral oration of England, in which the author laments the impending fate of his country; which, according to him, is on the point of expiring, as well by inward diseases, and weakness, as by the power of its rival. In all this long elegy, the author has examined only the state of the revenues, and has shewn much labour and precision in his calculations; which, whether just, or otherwise, prove nothing essential. The sums, upon which he founds his remarks, being admitted possible, are no way adequate to the evil. Two or three hundred thousand pounds, is nothing, compared to a debt of
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one hundred and forty millions. It was not therefore, worth while, to publish so laborious a pamphlet, from which no one advantageous conclusion can be drawn. The author of the second production has, with much elegance, proved this truth. As to the sums they differ about, being so inconsiderable, compared with the national debt, I do not think it deserved their attention. This gentleman will have us believe, that England is by no means so miserable, as the other says; and this he proves, by saying, that France is much more so, than England: supposing this to be true, which, I fear, is not the case, it proves nothing at all. I fancy a man, languishing with a consumption, would not be persuaded he was well, because his neighbour had the gout in the stomach. Though I confess myself much inferior to these gentlemen in every respect, I shall presume to examine the actual state of the two nations in question, and that in so clear and impartial a manner, that the results will have the force and exactness of a geometrical demonstration. I am the more encouraged to this undertaking, as truth is always useful; whereas falsehood, cannot, I conceive, be of any advantage, and in general is attended with fatal consequences, particularly in the conduct of public affairs. If in fact the French are miserable, it does

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not

not follow, that we are rich and powerful. There is no national advantage that can accrue from it, on the contrary it may diminish our industry and attention to public business. But if this opinion is ill founded, the consequences may, and indeed must be fatal. At the last peace it was said the French and Spaniards were ruined for an age to come. It was their interest we should believe it. In the mean time, it is known they have a hundred sail of the line, and are now making immense preparations of every kind ; our ministry, infatuated by our former successes, affect a certain tranquillity, which is encouraged by French emissaries, and in all probability will be found established on a very precarious basis. When vice and effeminacy had extinguished every principle of patriotism and virtue among the Athenians, Philip, the most artful and ambitious prince that ever existed, was projecting their ruin in particular ; their being the only power in Greece that could prevent him from destroying the liberties of that country. Demosthenes endeavoured to rouse them from their lethargy, and excite them, in time, to oppose the ambitious projects of Philip, but in vain. Corruption, and the love of pleasure, had intirely enervated that, once brave, and powerful people, insomuch that no sense of glory or danger could induce them to

to take any step for their preservation. In these sentiments they were confirmed by Philip's emissaries, who were ever declaiming on the power of the Athenians, and the weakness and moderation of Philip; who being thus permitted to follow his plan, in a short time put it in execution, and became the master of Greece. I do not mean this as any reflection, on the elegant author, being persuaded he is equally an eloquent orator, and a faithful subject, truly attached to the good of his country. I mean only to shew, it is dangerous to exalt the power of our nation, and depress that of our rivals, if his opinion is not founded on real matter of fact; and if otherwise it is useless, and cannot produce any one advantage. I fancy this gentleman, dazzled with the pomp and magnificence of some Nabobs and other inhabitants of this luxuriant capital, has too hastily concluded that the whole nation, was equally opulent. Had he considered the different price of provisions, and labour, in London, and two hundred miles off, that alone, would have convinced him of his error. At the same time he is too much a philosopher, and politician, not to know, that luxury can proceed only from an inequality of fortunes, and the greater that inequality is, the fewer are rich, and the more are poor. In fact no country of an

equal population, excepting Spain, and Italy, has so great a number of poor as England. In so much that their maintenance costs perhaps four or five shillings in the pound in some places; which added to their want of industry, is a most heavy burden on the nation. Let us now return to the question, before us, and examine whether, in fact, England is so powerful, and France so miserable.

It is an axiom, and therefore requires no demonstration; *That the absolute force of a nation, is in a compound ratio of the number of its inhabitants, and quantity of their industry.* The last can be calculated only, by the quantity of taxes they pay yearly to the support of government. The relative force of a state will depend on many circumstances, of which the most essential are, *The nature of the government; situation of the country; quantity, and quality of its productions, and the genius of the inhabitants.* By comparing these different objects, in the two nations, we shall be able to calculate their respective force, with almost a geometrical precision. It is generally allowed, that France contains nearly twenty millions of inhabitants, and we know for certain, that the yearly revenues amount to four hundred and seven millions of livres, which make nearly eighteen millions sterling; so that the absolute
force

force of France, is 20 + 18, or thirty eight millions, or simply *thirty eight*; whereas the population of the British islands, (for I cannot consider the colonies otherwise than as a nation, which consumes our manufactures, by which, like them, they contribute to pay the taxes) amount only to eight millions, and the quantity of revenues to ten at most. So that the absolute force of England, compared to that of France, will be as 18 to 38. And we must consider that the revenues of the latter are so independant of navigation, that five sixths at least arise from their European trade and the sale of their productions; which are by custom, or otherwise become so necessary, that no accident can diminish essentially the sale of them. This truth is proved by the history of their finances; for when Lewis XIV. came to the throne, they amounted only to about seventy millions, which, notwithstanding his continual wars, and the expulsion of above a million of subjects, had greatly diminished the population, increased to the amazing sum of three hundred and seventy millions of livres, ordinary revenues, and above a hundred millions sterling borrowed on different conditions. And, during the reign of his successor, though the nation made a bankruptcy, they still increased to the sum of four hundred and seven millions, and above sixty millions

millions debt. During this period, the French marine and navigation were destroyed to such a degree, that they had scarce a ship of any kind at sea. However, neither the national bankruptcy, nor the great distresses of the government, ever hindered the increase of their revenues, or prevented their borrowing at a very low interest, considering the quantity of circulation, which is not above half as great as ours; and therefore the interest should be double to what it is with us. In this period, their dominions and influence have been greatly increased, their loss in the late war will turn out a national advantage. So that it appears evident, their finances being established on their own natural productions, are not subject to be diminished by any temporary accident or misfortune; and though the weak conduct of a ministry, may make a bad use of the national forces, yet it is impossible to destroy their natural sources, being essentially connected with the number of inhabitants, situation, and quantity of productions of the country; a little order and oeconomy would soon raise it to a degree of splendour and force superior to any power in Europe. In ten years after the bankruptcy of the Mississippi, France added Lorraine to its provinces, and gave law to the house of Austria. Since the late war, they have augmented their marine,

rine, whose ordinary expence amounts to twelve hundred thousand pounds, to above seventy ships of the line, and thirty frigates. The present failure of the East India company has not in the least affected the revenues of the state; whereas a bankruptcy of any of our companies, or an unsuccessful war, that stopped for six months only our navigation, would infallibly be followed by a national bankruptcy, and make it impossible to raise five millions *per annum*; because almost the whole national revenues depends on foreign trade and navigation: so that the least check to these, would ruin the state. Besides the French have above twelve millions free for the support of government, after they have paid the interest of their debt, whereas we have not above five; and if we consider the different price of provisions, labour, &c. their twelve millions are equivalent to twenty four millions *. As to the nature of their government,

* We have demonstrated in the work, indicated in the preface; 1. That the price of provisions, labour, &c. is in proportion to the number of inhabitants and quantity of circulation. So let $C =$ to the circulation, and $P =$ to the population, then will $\frac{C}{P} = p$. the price of provisions.

The circulation of France in paper and money amounts to about one hundred and fifty millions sterling and the population to twenty millions. So $\frac{C = 150}{P = 20} = 7\frac{1}{2}$ will express the price of provisions, labour, &c.

In England the circulation in money and paper amounts

government, we own it is not so well calculated for industry, as that of England; because political and civil liberty are essentially necessary to animate commerce:

to about one hundred and sixty millions and the population to 8 millions so we shall have $\frac{C = 160}{P = 8} = 20$. Consequently the price of provisions, labour, &c. is in England to that of France as twenty to seven and a half, which shews the reason why they can undersell us, in any market in Europe.

2. That the quantity of industry is in proportion to the quantity of circulation, compared with the number of inhabitants. So that we shall have the same equation, *viz.*

In France $\frac{C = 150}{P = 20} = 7\frac{1}{2}$. In England $\frac{C = 160}{P = 8} = 20$.

That is the industry of England is to that of France, as twenty to seven and a half.

3. That the quantity of taxes, is in a compound ratio, of the number of inhabitants, and the taxes raised, compared to the quantity of circulation. So in France we shall have

$\frac{C = 150}{P = 20 + \text{taxes} = 18} = 38 = 4$ nearly. In England

$\frac{C = 160}{P = 8 + \text{taxes} = 10} = 18 = 8\frac{1}{2}$ nearly. But as this proportion is in a direct ratio of the taxes, and inverse of the

number of men who pay it, it follows that we pay in proportion to what the French pay, as four to eight and a half nearly. That is each Englishman pays 25 shillings and Frenchman only eighteen. For dividing ten millions taxes, by eight millions of subjects we find each pays 1l. 5s. od. and dividing eighteen millions with the twenty millions of French pay it will be found each pays about 18 shillings; moreover the eighteen millions, raised in France makes eight and a half of their total industry: whereas the ten millions raised in England, makes only a twentieth part of our industry, which is always in proportion to the quantity of circulation. As the species in France is supposed to be about half the value of the paper in circulation; and in England something less than a fifth: it appears that a bankruptcy in France, would be less fatal to their industry in proportion as two is to five.

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and though in France the first is by no means to be compared to that of England, yet the second is little inferior. The great men only being subject to the stroke of despotism, the common people are permitted to follow their business without any restraint: but monarchies are infinitely more adapted to action and vigour. For the prince, being sole master, he can employ, and direct the whole national force to any one object he pleases, and his subjects must concur in his views. The prodigious efforts made by Lewis the fourteenth and fifteenth are a proof of this. They have sustained continual wars, and yet both their dominions and revenues have increased; and I will presume to affirm, were never so formidable as at present. The union of the different branches of the house of Bourbon, and their connections with that of Austria, enables them to direct their whole force against us, who, unhappily, have not one ally, who can contribute essentially to divert their projects, nor indeed any one who will. They can employ every mariner, in France and Spain, in their fleet, without any sensible inconveniency, because their trade is chiefly carried on by the Dutch, and other foreigners. France can reform fifty thousand men, and employ that fund in augmenting their marine; and Spain at least thirty thousand for the same

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purpose,

purpose, without exposing either nation to the least danger or inconveniency. Spain is so far from being ruined by her losses in the last war, that she has augmented the pay of her troops, being above eighty thousand men, a third ; being moreover absolute princes, they can suspend the payment of any particular branch, and employ the funds on another. Philip the Fifth made a bankruptcy, which indeed produced some occasional distress, but did not affect the state. The Spaniards have now built, or are building, seventy ships of the line, besides frigates. The two nations have, including what they can draw from Genoa, and other parts of Italy, at least sixty thousand mariners, which they can, to a man, employ on board their fleets, without diminishing any one source of their revenues. It is true, they are not so able as we are in that branch of war. Experience however proves, they are not so despicable as we think. Lewis the Fourteenth though employed in continual wars, which, with numerous public works, exhausted his finances, in a very few years raised a marine consisting of one hundred and twenty ships of the line, which, conducted by Tourville, Du Gué, Frouin, Forbin, &c. ranged masters of the ocean for six or seven years, though the Dutch and English were united. Why cannot the house of Bourbon united much more

more powerful than formerly, and without any enemy to fear; Why, I say, is it impossible for it, to form a marine, much greater than Lewis XIV did? The great population of France, and their little industry, compared to ours, enables her to employ any number of men in her fleets, without checking the industry of any class, which we certainly cannot do. I am persuaded, we could not at one time, employ fifty thousand mariners and sixty thousand men in the army, without diminishing greatly our manufactures and navigation, and consequently the sources of our revenues.

The situation of France is, without comparison, so much finer than ours, that if their marine was increased, they would be masters of the Channel, and indeed of great part of the trade now carried on by the different powers of Europe; as no nation has a greater variety of natural productions, nor of a better quality, or more generally used. If they only made their own commerce, that alone would form a powerful marine, and a most extensive navigation. Their colonies are few, but perfectly well situated for the Spanish trade in America, and moreover supply them with sugars, indigo, &c. and now being, happily for them, got rid of Canada, which absorbed immense sums of

P 2 money,

money, as well as men, they enjoy all the advantages of colonies, without their inconveniency. The low price of provisions, and their small industry, compared to us, enable them to increase it double to what it now is. As to the genius of the inhabitants, it cannot be denied that they are ingenious, docile, and active, which the increase of their revenues prove ; for, in a little more than a century, they are raised from seventy to four hundred and seven millions of livres, as we have said. It is objected, that they are oppressed by the burden of their taxes. To which I answer, that they are far from being as opulent as the English, but they are not oppressed. The proof is this : If by taxes, or other arts, you take from the subject any thing, from what is necessary to maintain himself and family, the animals, grain, &c. necessary to continue the cultivation of the arts, manufactures, agriculture, &c. it is impossible the revenues can remain the same, much less increase ; they must necessarily diminish every year in proportion as you diminish the funds from which they are raised. Fact however proves, that they have continually augmented, and therefore the taxes, however heavy, did not destroy the funds from which they are derived. Indeed they may, and indeed I believe they have, hindered the increase of
national

national industry, which might be carried much higher, if their funds were encreased. Notwithstanding their taxes and oppressions, their trade is of late greatly augmented in Spain, Portugal, Italy, and the Levant, where ours has suffered in proportion, as our merchants well know. The sources therefore of their power and riches, are real and absolute, whereas that of their weakness is accidental. A bad ministry may suspend the effects of their natural advantages, but never can destroy them. The last war was unfortunate, but not surely for want of means. A weak and disunited ministry greatly contributed to their misfortunes. Good discipline has rendered European troops nearly equal. The difference of valour vanishes among the numberless causes which concur to secure the victory. Our success in the last war will be a lasting monument of our valour, abilities, resources; and I will add, good fortune, as well as of their incapacity. Peace however has, in my opinion, given them more advantages than a successful war. The fishery of Newfoundland, and the loss of Canada, are probably equally advantageous to the French. Were they still masters of it, we should not see our colonies on the point of throwing off their obedience to the mother country.

Though

Though the situation of England is by no means so advantageous for trade as that of France, it is much more so for interior safety, and defence. For though our enemies may have numerous armies, they cannot, unless masters of the sea, and for a considerable time, make use of them against us, but in small numbers; and even supposing their fleets superior to ours, they cannot attack us with any advantage, because they can bring neither heavy artillery, ammunition, provisions, and cavalry, but in small quantities: insomuch that with thirty-two thousand foot, and twelve thousand horse, chiefly dragoons and light horse, with the militia, we could easily baffle all their attempts. I would have three thousand foot, and one thousand horse in Scotland, eleven thousand foot and five thousand horse in England, besides the militia, encamped in some central position, between Dover and Portsmouth, and the remaining twenty thousand in Ireland, in the province of Munster, and on the banks of the Shannon. Three ships and four frigates on the coast of Scotland; a few frigates and ships in the Channel to observe Dunkirk; forty sail of the line in the Bay of Biscay to observe Brest and Ferrol; a squadron off Ireland, and another in the Mediterranean. If these do their duty, we have nothing to fear at home or abroad.

Some

Some cruifers in the Gulph of Mexico, North America, and the East Indies, will be fufficient to protect our trade, and ruin theirs. But, if you let the French and Spaniards get out of their harbours, and unite their forces, there is no answering for the confequences. If, in time, you do not take effectual meafures to ftop their projects, even before they are ripe for execution, it may be then too late; for, if they once get out, our trade may be ruined before you can apply any remedy.

We have fhewn that the abfolute force of France is, to that of England, as thirty-eight to eighteen nearly, and that their neat revenues are as twelve to five at leaft. The nature of our government is more calculated for the peace and domeftic happinefs of the fubject. Theirs, on the contrary, is more fo for action and conquest. The fituation and productions of their country are preferable to ours; their induftry and price of provifions much lefs; and the firft may, no doubt, with good management, be increafed to double what it is at prefent. They have the materials, and certainly do not want either genius or activity. It is the fault of the miniftry, if the national induftry and revenues do not augment. Whereas ours is already carried to fuch a height, that it cannot be increafed, and probably muft diminifh.

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1. Because it is certain, that eight millions of subjects cannot produce a greater quantity of labour, and the less so, as the number of servants and beggars increase daily, which diminishes the quantity of national industry. 2. Because the high price of provisions, labour, and luxury, make it impossible for our merchants to support the concurrence of the French and other nations in foreign markets, where, consequently, the consumption of our manufactures decreases daily. 3. In case of a war, we cannot employ above a certain, and very limited number of men in our fleets and armies, without drawing the hands, which are necessary to carry on our agriculture, manufactures, navigation, &c. The present state of our colonies does not surely promise an increase of consumption of our manufactures. The least check upon our foreign trade, an unsuccessful battle at sea, might be attended with fatal consequences; because our safety and power are intimately connected, with our being masters of the sea, in such a manner, that we must be so, or perish: there is no alternative.

Though, as I have said, our constitution is peculiarly adapted to secure the person and property of the subject, and consequently to animate his industry; it has however this inconveniency, that these ad-
vantages

vantages are balanced by want of vigour :
 for discord, disunion, and opposition, are
 ever the consequences of a free government.
 Insomuch that no minister, however able
 and honest, has power enough to exert the
 whole national strength. Opposition and
 envy will for ever clog his measures. Be-
 sides, power and popularity never, I think,
 concurred but in one minister, whom the
 impending fate of his country called forth
 for its defence. Opposition was silenced,
 and envy hid her poisoned head. The
 courtiers feeling themselves unequal to the
 weight of that distress and calamity they had
 brought on their country, willingly threw
 it upon his shoulders, hoping, in case of
 misfortunes, which seemed unavoidable, to
 make him responsible. But no sooner had
 he taken the helm, than, by his extraor-
 dinary abilities, courage, and impartiality
 in the choice of able and virtuous men to
 execute his projects, he saved his country
 from the ruin which threatened it, and
 raised it to a degree of glory and power,
 beyond that of any nation whatever of
 equal population. The courtiers, no less
 enemies to this gentleman, than to the in-
 terest of their king and country, forced him
 from his station, and, having occupied it,
 instead of crushing an enemy, laid at their
 feet, concluded a peace, or rather a truce,
 whose consequences must finally terminate
 in the ruin of their country.

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Having

Having thus compared, with truth and impartiality, the absolute and relative forces of England and France, it is evident, I think, that the first is by no means so flourishing, nor the other so depressed as many affect to believe. I might have indeed added, that an unsuccessful war, particularly by sea, would sink public credit, and perhaps produce a national bankruptcy. That none of our alliances abroad, can be of the least service to us, in a maritime, American, or domestic war; because the French, by sending an army into Westphalia, can force the Hessians, Brunswickers, and Hanoverians, to disarm, or see their country ruined; which, according to their usual prudence, no doubt they will avoid. They will in the mean time, take our money, but cannot, in the cases mentioned, comply with their engagements, and help us. The Austrians, who alone could give us effectual succours, will be neuter, or against us. The Russians are too far off: the Dutch weak and trembling for themselves. The Prussian monarch has no natural connections, or common interest with us, and moreover, never knew any but his own. The king of Denmark alone can be of use to us; because the French cannot, by intrigue, or force, hinder him from giving us the succours he may chuse to send us. I wish therefore,
and

and most humbly recommend to those in power, the forming of a most intimate connection with this prince, and enabling him to keep a body of twenty thousand men, and ten ships of the line for our service, whenever we may want them, and at the same time to abandon those ridiculous connections with the little princes of Germany, who absorb immense sums, and, when called upon, can be of no service. I must conclude with *Delenda est, bis maritima, Carthaginis.*

C A T O.

F I N I S.

1811

My dear Sir
I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours obedient servant,
J. M. Smith

1811





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